OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

SEPTEMBER 7, 2006

The Owensboro Metropolitan Board of Adjustment met in regular session at 5:30 p.m. on Thursday, September 7, 2006, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT:  C.A. Pantle, Chairman
Gary Noffsinger
Ward Pedley
Marty Warren
Sean Dysinger
Ruth Ann Mason
Judy Dixon
Stewart Elliott, Attorney
Madison Silvert, Attorney

CHAIRMAN:  I want to call the Owensboro Metropolitan Board of Adjustment to order. Welcome each one of you.

At this time we always start our meeting with a prayer and the pledge of allegiance. We invite you if you so desire to join us at this time.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN:  I want to welcome all of you. If you have anything you want to say, please come to the podium, state your name for the record and you'll be sworn in. We want to make sure we get everything recorded this evening correctly. With that we'll
1 proceed with our agenda.
2 
3 The first thing we have the minutes of the
4 August 3rd meeting. They're on record in the office.
5 We haven't found any problems or anything.
6 MR. NOFFSINGER: No, sir.
7 CHAIRMAN: With that I entertain a motion to
8 dispose of the item.
9 MS. DIXON: Move to approve the minutes.
10 MR. DYSINGER: Second.
11 CHAIRMAN: A motion has been made and a
12 second. All in favor raise your right hand.
13 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
14 CHAIRMAN: Motion carries.
15 First item, please.
16
17 ITEM 2
18 11225 Grandview Road, zoned A-R
19 Consider request for a Conditional Use Permit to
20 construct a 36'x58' addition to an existing church in
21 a floodway.
22 Reference: Zoning Ordinance, Article 8, Section
23 8.2B4, Article 18, Section 18-5(b)(4)(a), 18-6(b)(2)
24 Applicant: Dawson Memorial Baptist Church
25 MR. ELLIOTT: State your name, please.
26 MR. HOWARD: Brian Howard.
27 (MR. BRIAN HOWARD SWORN BY ATTORNEY.)
28 MR. HOWARD: The subject property is located
at 11225 Grandview Drive and is zoned A-R Rural Agricultural. The OMPC records indicate that three previous Conditional Use Permits have been approved for the subject property. The first was approved on August 7, 1997 and was for the reconstruction of the church facility. The conditional use permits approved November 1, 2001 and July 11, 2002 were for the construction of a 30'x30' addition to the existing church.

The applicant was previously required to install landscaping in accordance with the Landscape Ordinance; however, the landscaping was installed on public right-of-way. In order to comply with the Landscape Ordinance, the required landscaping should be installed on private property.

This site plan the applicant has submitted does reflect that change. Under Article 18 of the Zoning Ordinance, it states that projects in the floodway require approval from the Kentucky Division of Water and the Army Corp of Engineers along with certification by a registered professional engineer demonstrating that the project will not result in any increase in flood levels. The applicant has provided the proper documentation to meet these requirements.

We would like to enter the Staff Report as
Exhibit A.

CHAIRMAN: Is there any comments or anything filed with the office?

MR. NOFFSINGER: No, sir.

CHAIRMAN: Is there anyone in the audience wishing to speak in opposition of this conditional use permit?

MR. HAYNES: Mr. Chairman, Brian Haynes. I'm here on behalf of the applicant.

CHAIRMAN: Are you against it?

MR. HAYNES: No.

CHAIRMAN: Thank you.

No one against it. So the applicant.

(MR. BRIAN HAYNES SWORN BY ATTORNEY.)

MR. HAYNES: My name is Brian Haynes. I'm a practicing attorney here in Owensboro. I'm here on behalf of the applicant, Dawson Memorial Baptist Church. Ms. Jane Chrisler I think is over there somewhere is representing the church, if you have any questions. Also David Weaver who is a professional engineer can answer any questions in his line, if there are any.

CHAIRMAN: Board members have any questions of the applicant?

(NO RESPONSE)
CHAIRMAN: Staff have any?

MR. NOFFSINGER: No, sir.

CHAIRMAN: Do you have anything else you'd like to present at this time?

MR. HAYNES: No, sir.

CHAIRMAN: Entertain a motion to dispose of the item.

MR. PEDLEY: Mr. Chairman, make a motion for approval based on it's an expansion of the existing church and we've heard no opposition on this item. It will not have an adverse influence on the community. With the condition that the landscape shall be removed from public right-of-way and installed on private property.

CHAIRMAN: Is there a second?

MS. DIXON: Second.

CHAIRMAN: A motion has been made and a second. Any other comments or questions from the board?

(NO RESPONSE)

CHAIRMAN: Staff have anything else to add at this time?

MR. NOFFSINGER: No, sir.

CHAIRMAN: Hearing none all in favor of the motion raise your right hand.
(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.
Next item please, sir.

ITEM 3

2501 Harbor Road, zoned I-2
Consider request for a Conditional Use Permit to
construct a 7,846 square foot building addition and a
5,313 square foot building addition for various
reactors, batch out tanks, water effluent tanks and
new drying, blending and transfer equipment.
Reference: Zoning Ordinance, Article 8, Section 8.2
G4, Section 8.4/27
Applicant: Dart Polymers, Inc.

MR. HOWARD: The property is located at 2501
Harbor Road and is zoned I-2 Heavy Industrial. OMPC
records indicate that four previous Conditional Use
Permits were approved for the subject property. The
Conditional Use Permits approved April 13, 1989 was
for the construction of two styrene monomer storage
tanks. The second approval was on November 7, 1991
was to construct one styrene storage tank. The
Conditional Use Permit approved on December 2, 1999
was for the construction of a 1,500 square foot
building addition, and construction of various storage
and loading facilities. The final Conditional Use
Permit approved on October 6, 2005 was for the
construction of a 113' x 56' building and to install two
tanks with the design option for an additional tank
for future expansion.
Section 8 of the Zoning Ordinance requires that the property be, that any building or outside storage, loading or working areas except for accessory parking be located at least 300 feet from any Residential Zone and 100 feet from any other zone except for I-1 Light Industrial or A-R Rural Agricultural zone. It appears that the applicant does meet that requirement.

We'd like to enter the Staff Report as Exhibit B.

CHAIRMAN: Is there any opposition or problems with the Staff?

MR. NOFFSINGER: No, sir.

CHAIRMAN: Is there anyone wishing to speak in opposition of this item?

(NO RESPONSE)

CHAIRMAN: The applicant here to present?

MR. ELLIOTT: State your name, please.

MR. GILLILAND: I'm David Gilliland, plan engineer for construction.

(MR. DAVID GILLILAND SWORN BY ATTORNEY.)

MR. GILLILAND: I'm just here to entertain any questions.

CHAIRMAN: Thank you.

Any board members have any questions of the
applicant?

(NO RESPONSE)

CHAIRMAN: Staff have any other comments or questions?

MR. NOFFSINGER: No, sir.

CHAIRMAN: Entertain a motion to dispose of the item.

MR. DYSINGER: Mr. Chairman, move to approve given the findings that the applicant or that the new use would be in keeping with the existing usage. There appears to be no opposition and given the finding that the applicant is in compliance with Article 8, Section 8.2 G4 and Section 8.4/27.

CHAIRMAN: Is there a second to the motion?

MR. WARREN: Second.

CHAIRMAN: A motion has been made and a second. Any other questions or comments by the board?

(NO RESPONSE)

CHAIRMAN: Staff have anything else you want to add?

MR. NOFFSINGER: No, sir.

CHAIRMAN: All in favor of the motion raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.
Next item, please.

ITEM 4

716 Poindexter Street, zoned R-4DT
Consider request for a Conditional Use Permit to place a 14'x65' class-2 manufactured home on the property. Reference: Zoning Ordinance, Article 8, Section 8.2 A10B, Section 8.4/7 Applicant: Tina J. West

MR. HOWARD: The property is located at 716 Poindexter Street and is zoned R-4DT. The OMPC records indicate that three previous Conditional Use Permits have been approved for class-2 manufactured homes on Poindexter Street. The first at 610 Poindexter Street was approved August 6, 1992; the second was for 707 Poindexter Street was approved August 2, 1984; and the third was for 812 Poindexter Street approved July 5, 1984. Manufactured homes are still located at 610 and 812 Poindexter Street, but the property located at 707 Poindexter Street is currently vacant.

The applicant is proposing a waiver of the sidewalk requirement since there are no sidewalks in the surrounding area. It does not appear that sidewalks were required for the three previously approved Conditional Use Permits.

The site plan that was submitted does meet all zoning requirements for a class-2 manufactured mobile
home within the area with the exception of the sidewalk do waive which they have requested a waive for that.

We would like to enter the Staff Report as Exhibit C.

CHAIRMAN: Any comments or opposition in the office?

MR. NOFFSINGER: No, sir.

CHAIRMAN: Anyone in the audience wishing to speak in opposition of this item?

(NO RESPONSE)

CHAIRMAN: Is the applicant here?

APPLICANT REP: Yes.

CHAIRMAN: Do you have any comments you would like to add at this time?

APPLICANT REP: No.

CHAIRMAN: Any questions by the board members?

(NO RESPONSE)

CHAIRMAN: Staff have anything else to add?

MR. NOFFSINGER: No, sir.

CHAIRMAN: Hearing none entertain a motion to dispose of the item?

MS. MASON: Mr. Chairman, I move to approve by findings of fact that it is compatible with the neighborhood as three previous conditional use permits
have been approved for class-2 manufactured homes. I would like to waive the sidewalk requirement since there's no sidewalks in the surrounding area.

CHAIRMAN: Is there a second?
MR. WARREN: Second.
CHAIRMAN: A motion has been made and a second. Any other questions or comments from the board?
(NO RESPONSE)
CHAIRMAN: Staff have anything else to add?
MR. NOFFSINGER: No, sir.
CHAIRMAN: Hearing none all in favor raise your right hand.
(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
CHAIRMAN: Motion carries.
Next item.

ITEM 5
1420 Benita Avenue, in an R-4DT zone
Consider a request to amend a Conditional Use Permit approved to operate a homeless shelter serving 90 residents providing educational, spiritual, financial and substance abuse recovery services.
Reference: Zoning Ordinance, Article 8, Section 8.2 C1
Applicant: Boulware Center Mission, Inc., The Mission on the Hill, Inc.

MR. HOWARD: The property located at 1420 Benita Avenue is zoned R-4DT. The OMPC records indicate that two previous Conditional Use Permits
have been approved for the subject property. The conditional use permit approved on June 3, 1999 was for the temporary care of children under the age of 18, the rejuvenation of persons who provide spiritual assistance to others, and use by religious, charitable or humanitarian organizations with the condition that there be no on-street parking used in conjunction with this facility and that all parking for the use of this property occur on-site within the walls of the former monastery property. The conditional use permit approved April 7, 2005 was to operate a homeless shelter serving 90 residents and to provide educational, spiritual, financial and substance abuse recovery services with the condition that a one year review be conducted in six month intervals from the time of occupancy.

The applicants are not proposing a change in use with the conditional use permit tonight. The applicants are returning to the Board with revisions to the previously approved site plan and proposed renovations to the subject property. The renovations to the subject property include adding a mechanical room and various external mechanical units, various platform and entrance reconfigurations, constructing a new wall and removing a portion of the existing wall,
installing a new and larger electrical service and
reconfiguring the existing parking lot.

Should the board approve the item the previous
condition that required the one year review be
conducted with the first review occurring six months
from the time of occupancy and the final review
occurring one year from the time of occupancy.

We would like to enter the Staff Report as
Exhibit D.

CHAIRMAN: Was there any comments filed with
the Staff?

MR. NOFFSINGER: No, sir.

CHAIRMAN: The applicant here want to come
forward and present what you have to say and then
we'll work from there, please.

MR. ELLIOTT: State your name, please.

MR. CRAIG: Bill Craig.

(MR. BILL CRAIG SWORN BY ATTORNEY.)

MR. CRAIG: May it please the board, my name
is Bill Craig. I'm an attorney here in Owensboro and
I'm currently serving as the Chair of the Board of
Directors for the Boulware Mission.

Don't be confused by the reference to The
Mission on the Hill, Inc. That's a wholly owned
subsidiary which actually holds the title the real
property. It is wholly owned by Boulware.

I have with us tonight Terry Blake who is the architect that we have that represents the firm that we have employed to help us on this project.

Mr. Jim Riney, Hale, Riney & Gilmore, the engineering firm.

The renovation project has been under the supervision of Sister Joseph Angela Boone who is the chair of our renovation committee.

I have other representatives of the Boulware here tonight. Particularly our current serving director Ms. Becky Hayden.

Now, we're not proposing anything other than enhancing the renovation that we previously presented to this board. You have a list of ten items that we are asking to change or to add to our site plan.

Terry has the site plan which has been filed with you and then this is a little bit simplified color coded, so I'd like to refer to it.

This is Benita Avenue. This is Wing Avenue.

What we're proposing to do in the first item, this red colored building is necessary for us to have a mechanical room to have a four pipe heating and cooling system throughout the facility. The facility is large enough and spread out enough that at given
times it may be important to cool one section and warm another section.

By having a constantly circulating hot and cold water system you're able to control the temperature in each part of the facility individually. Get more technical than that, you're beyond me. In the long run that is the most efficient way for us to heat and cool.

As I mentioned, there was no air conditioning system throughout the facility at the time we bought it so this is a substantial change.

This mechanical room is on the ground. It's behind the wall, of course. We would not be here presenting that as a change if we put it on top of the building, but that would make it unsightly and also much more expensive. So it's much more efficient and much more attractive to have it on the land itself.

We have various loading ramps and walls and parking areas. I'd like to call attention to just to this. We will have parking all within the wall as we -- we previously were going to have all parking within the wall, but we're going to have a circulating area in order to have a smoother driving plan.

We said before, but it was not on our site plan, we were putting a wall across the northern
boundary. That's the Benita Avenue side. We now have
that drawn in. We will be permanently closing, as we
were before, Benita Avenue's entrance and exit. That
will mean that a couple of walls that are currently
external walls will become internal walls. One here
and one here. We anticipate removing those. So
that's a change in the site plan.

There is a concrete platform inside the wall,
again, necessary at the end of this wing. This, you
have the same sort of change in the entrance at the
end of this wing.

We will have our main entrance for people
entering and exiting the facility will be here and
that will be a substantial improvement to that entry
for ingress and egress.

We will have as part of the new heating and
cooling system some compressor units that will be
inside walled areas, but there will be no roof on
those walled areas.

Along the short of it is we're here tonight to
revise our site plan. To let us more fully
competently improve and renovate the property to make
our renovation of higher quality. That can be
confirmed by the opinion I think of both our architect
and engineer, but we want to answer any questions that
you may have.

CHAIRMAN: Any board members have any questions at this time?

(NO RESPONSE)

CHAIRMAN: Staff have anything to add at this time?

MR. NOFFSINGER: No, sir.

MR. WARREN: Excuse me. So the Benita Street side will be completely walled off?

MR. CRAIG: That's correct.

MR. WARREN: No entrance, exits, doorways, driveways?

MR. CRAIG: Right. In this wall, in this wall that go on the north side there will be a gate for the walkway, but no vehicular. There's no vehicular and that gate normally will be closed. So we do not anticipate, we're perfectly fine for the - - the entrance that's currently on Benita Avenue will be walled off entirely. We will occasionally have a large truck using that during the period of construction, but afterwards that wall will be completed. It will be the same wall that is currently there that's gated and all entrance and exits for vehicular traffic is off of Wing.

CHAIRMAN: Any other comments from the
applicant?
(NO RESPONSE)

CHAIRMAN: Thank you right now. Anyone speaking in opposition or questions on it?

MR. ELLIOTT: State your name for the record, please.

MR. DARLING: Bob Darling.

(MR. BOB DARLING SWORN BY ATTORNEY.)

MR. DARLING: I think the Board of Adjustments is well familiar with the objections of this property. I think the Board of Adjustment and Staff is very familiar with our objection to this project.

I would like to question Bill Craig's ideas of enhance and visually unattractive. I think there is one item on this list the neighborhood would object to very strongly. Those things on this list are internal construction and that's to be done.

What we're objecting to is the wall. What they don't tell you about the wall is the wall is about ten feet tall and a foot thick. When you drive up Gary Court, you're going to be looking at a wall, which means you're going to be looking at a prison structure.

My question is: If we have to put this wall
up to either people out or to keep people in, then possibly this doesn't need to be in our neighborhood. We're that sensitive about it.

This will completely destroy our neighborhood as far as looks go. This will be the only street that directly will hit the wall. The wall on Wing Avenue is on the side. The wall on the south side is on an alley and the three houses that face the side of this. So when you drive up Gary Court, what you will be looking at is a wall. Not the structure that's there now.

I personally know that the sisters did not put the wall across the front of the property because they wanted to preserve the house that was up there and also they wanted to preserve their front yard.

We will not have a front yard now. All we will have is a wall. I don't know how many people in this room would think they would like to live near a wall.

The proposed facility that you have next on the agenda does not have a wall around it, a ten foot wall around it. If they don't need a ten foot wall on that item, do we need a ten foot wall here? We know they want to use the front of their property for a wall to the destroy visual impact of the neighborhood.
It will affect the property value because your facing a wall. I think me and my neighbors we object to it. The rest of the project we've got no objection to, but that part of it we think -- when they say wall, they're not talking small structure. They're talking large structure and that's the wall that's there. So we're in opposition to that part. We ask you do not allow them to have a wall. Thank you.

CHAIRMAN: State your name, please.

MR. MAYFIELD: Horace Mayfield.

(MR. HORACE MAYFIELD SWORN BY ATTORNEY.)

MR. MAYFIELD: My main objection to the wall that we're talking about is my house is approximately 35 to 40 feet away from this wall.

I have one question. If they're going to put this wall across the entire section of Benita, are there going to do landscaping down the side of it to more or less hide the appearance of a prison facility right across the street from my house? As bob Darling said, the entire business up there is going to hurt our property value.

You tabled the next item last month out of consideration for property values. So it seems to me like there's a two tiered system here. I think this should be addressed. Thank you.
CHAIRMAN: Any board members have any questions of the two gentlemen?

(NO RESPONSE)

CHAIRMAN: Anyone else speaking in opposition?

(NO RESPONSE)

CHAIRMAN: Mr. Craig, you want to answer that question, please.

MR. CRAIG: The wall that we propose to construct it covers the central portion of that area. There is an existing wall which is well over half of the length of Benita Avenue already in existence. The existing wall is a dull gray. As we've mentioned, I think a couple of times, that wall will be renovated, cleaned and then stained so that its appearance is dramatically improved.

There will be appropriate landscaping both inside and outside of all of the walls.

The construction of the wall is to permit an additional park-like area within the facility itself. This is an area where we conduct all sorts of services for people who are there and to have a park-like area is an enhancement to the function of Boulware Mission.

I will be blunt. I haven't anticipated that there will be opposition to the extension of the wall across the front and removal of a couple of interior
walls. It improves dramatically the usefulness and a
flow of space available inside the wall. It will be a
much more attractive structure under our projection to
have the wall completed and the internal wall removed.
The wall is not there to fence out anybody.
People will come and go and do come and go at the
existing Boulware Mission and will come and go at the
new one. It is not there to fence in anybody.
Boulware Mission is not a lock down female facility.
Without being disrespectful to the former
passional nuns, what we're getting ready to do to the
wall will make it a lot less institutional in
appearing than it has been in the past.
We want to be able to fully utilize our area
for the use. The wall across the front will be
attractive. It will have gates for people to come in
and out, but it lets us also use a terrific part of
our property in a secluded park-like area which
enhances our mission. No fun intended.
So that's our response to the wall,
Mr. Chairman.

CHAIRMAN: You will do landscaping on the
outside?

MR. CRAIG: Absolutely.

MS. MASON: On both sides or just the one?
MR. CRAIG: There will be landscaping on both sides because there will be people all over the place inside. The outside is important for us to present the most attractive structure to the neighborhood. Right now what you have is a structure in the process of transition of restoring, but it will be beautiful and it will look very new when it is completed, and that will include the wall.

CHAIRMAN: Any other questions?

MR. PEDLEY: How much space do you have between the proposed wall and the public right-of-way? What type of landscaping are you proposing?

CHAIRMAN: State your name, please.

MR. RINEY: Jim Riney.

(MR. JIM RINEY SWORN BY ATTORNEY.)

MR. RINEY: Mr. Pedley, the width varies from the right-of-way. It comes up within, if memory serves me correctly, three or four feet and then it widens back out. On the plan you'll see it's more of an arch. They want the layout of the wall, wanted to have something more than just a linear look to it so they've got an arch across there. So there will be, I think the minimum landscaping area along the parking and so forth is three feet. I think we've got between three and five feet, but I'd say three to four feet.
Then it gets wider from the point that's closest to
the right-of-way is very near where the existing
sidewalk comes down to the street to Benita.

MR. PEDLEY: The reason I'm asking that
question, Mr. Chairman, with the type of landscaping,
when it bushes it spreads out. Doesn't get over in
the public right-of-way, it doesn't be on the walk.

Again, Mr. Craig, if you can say what kind of
landscaping you're proposing in that small area.

MR. CRAIG: We will be as we do with each of
the things we do. We will be using a professional
consultant to give us the appropriate landscaping
plant, different types of plants and how they will
either lay against the wall or not interfere with the
public right-of-way. I can't off the top of my head
give you what they will be, but we will certainly
comply with all the requirements for landscaping and
we will have adequate room for it.

MS. MASON: On the site plan that I'm looking
at, it shows the landscaping on the Boulware Center
side of the wall, but it doesn't show landscaping on
the Benita Avenue side. It's just scattered
landscaping, which I understand.

MR. CRAIG: Those are the existing trees that
are already there that we're planning on remaining
there. The revised landscaping we will do inside and
out is not shown on the site plan.

CHAIRMAN: Mr. Craig, would you be willing to
work with the Staff for the landscaping on the
outside?

MR. CRAIG: Absolutely. We will be happy to
come up with a plant that is suitable for the Staff
and ensure that there's no interference with vehicular
or pedestrian traffic.

CHAIRMAN: Gary.

MR. NOFFSINGER: Mr. Chairman, I hate to muddy
the water, but Mr. Darling brings up a very good point
on the wall.

Under the current zoning ordinance, the wall,
when you have a fence or a wall in your front yard,
and this property is addressed off of Benita Avenue,
the maximum height for a fence or a wall is three
feet. If you're in the rear yard it's eight feet.

Therefore, your plan does not show the height
of the wall. It shows the existing eight foot masonry
wall which is allowed to remain, but when you extend
that you can only extend it for three foot wall,
unless a variance application is made and approved by
this board, or made to this board and approved, and
you have not done that.
MR. CRAIG: Well, we included the wall in as Item 3 on our proposal to change our site plan. It may or may not help, but the fact is that the mailing address for the property is changed to Wing Avenue. The "front proposed property" will be Wing Avenue.

MR. NOFFSINGER: And you'd be allowed to go with a six foot wall if that becomes the side yard, but not an eight foot wall.

MR. CRAIG: Unless we apply for a variance?

MR. NOFFSINGER: Correct, and it's approved by this board.

MR. CRAIG: Then we'll follow up with a variance because we want the wall to be consistent with the existing wall.

MR. DYSINGER: Mr. Chairman, and this may be a legal question or maybe a Staff question.

Is it possible to proceed on the list minus the wall or do they need to refile or do we need to postpone and address all the issues at one time? Can this application be amended in such a way so that we don't deal with the wall until the -- I mean most of these things are just internal, mechanical.

MR. NOFFSINGER: Well, the applicant has shown a wall on this plan. The applicant has not identified the height of the wall on the application or on the
plan that I can find. Therefore, the applicant is limited by what the zoning ordinance requires. However, if you wanted to postpone and submit a variance application at the same time, you have that option.

MR. CRAIG: We need to go ahead and move with what we plan on doing. We anticipate that wall being an eight foot wall consistent with the wall that's there already.

CHAIRMAN: What's there you can go with eight foot. What you extend you will have to go with what the ordinance says?

MR. CRAIG: Unless we have a variance. I'm understanding now because I'm understanding now for the first time. We want to continue the eight foot, we'll have to apply for a variance and we will do so. We'll either go with a six foot or we will do the variance.

CHAIRMAN: Is that correct, Staff?

MR. NOFFSINGER: Yes, sir. That is if they change the address of the property because right now it's off of Benita Avenue. That perhaps is not the front of the property, but that is where it's addressed. I know you do access the property via Wing Avenue.
MR. CRAIG: You're telling me I've got a shorter wall requirement at the side yard than at the front?

MR. NOFFSINGER: You can have a taller fence along a side yard than you can the front yard.

MR. CRAIG: That's what I thought. If you'll see on the site plan the address is 609 Wing Avenue. We'll address the wall by a separate action.

CHAIRMAN: Staff have any other comments or questions of the applicant?

MR. WARREN: I have a question. Mr. Blake, would you bring the — on the northeast side of the complex, from Benita to I guess the backyard, where your thumb is there, Mr. Blake, that is one solid wall?

MR. BLAKE: Down here?

MR. WARREN: Yes. That's one solid wall, eight foot wall?

MR. BLAKE: Yes.

MR. WARREN: Now let's go down Wing Avenue. Where is the wall on Wing Avenue?

MR. BLAKE: Right down through here.

MR. WARREN: The only opening in that wall is for the driveway?

MR. CRAIG: There's an opening here.
MR. BLAKE: Right here.

MR. WARREN: Then on the south side.

MR. CRAIG: The wall runs to here and then the other side of the entrance drive it continues solid all the way around.

MR. WARREN: So essentially everywhere around the complex except for that one place where you're proposing to close there is a solid wall?

MR. CRAIG: That's correct.

MR. WARREN: I just wanted to make sure I understood that. Thank you.

CHAIRMAN: Any other questions from the board or Staff?

(NO RESPONSE)

MR. DARLING: I'd like to ask one other question.

When this facility was proposed, we were told that the Benita Avenue side would be completely closed. There'd be no entrance, no exits, no nothing. I see a safety issue here of only having one entrance and exit from this property with a ten foot wall around it. Should you have any kind of an emergency that happens in that entrance and exit you're going to have a problem.

They did promise us in our neighborhood that
there would be no entrance, no exit. They promised Bob Kirtley, when he was on board, there would be no entrance and no exit on the Benita Avenue side. Now they're going to have a gate. The gate will be used sometime, left open or closed. We don't know what, but there will be an entrance and exit.

Like I said, to me they have a problem with only having one entrance and exit to the wall. They would need another entrance and exit in case of emergency, fire trucks or whatever because you can't get over that ten foot wall.

So I think this wall issue, and why they have to -- if we're not trying to keep people in, we're trying to keep people out, why would not a simple chain-link fence work across the property? Why do we have to put an expensive ten foot wall. Another thing I'll say about the ten foot wall, the walls will have glass on top of it because the nuns really didn't want anybody sneaking in. So they made sure that it was a security wall at that time. They tried to keep people out. I don't understand why we have to have all this high security if there's not a problem. Why not just a simple fence would do it. That's my question.

CHAIRMAN: Is there any opening on the front except when they start construction?
MR. CRAIG: There is an existing vehicular
gate that comes and that opens on Benita Avenue. We
made a commitment that we would be closing that when
we complete construction so that there would be no
vehicular traffic entering or leaving on Benita
Avenue.

We have always anticipated that the existing
walkways will continue in existence, and there will be
gates at those walkways so that people can come in and
out, but they are gates. We were going to complete
the wall across the property, as we said at the
beginning we were going to do, in order to create a
park area on the north side of the property. So we
are not changing entrances or exits in any way by what
we're asking to do.

At this point an objection is raised for the
first time that I've heard of to our wall going across
the north side on Benita Avenue. What I'm asking you
to do is to go ahead and approve what we're proposing
to do. If we find we want the height of the wall
different than is permitted, then we will come back
and ask for a variance. So we are not changing the
entrances and exits.

CHAIRMAN: Thank you.

Any comments from the board?
MR. PEDLEY: Counsel, would it be appropriate for us to approve all items except for the wall, with the condition that they come back for a variance?

MR. ELLIOTT: They would have to make application for the variance and come back for that.

MR. PEDLEY: We can approve all items but the one?

MR. ELLIOTT: I think so.

Gary.

MR. NOFFSINGER: Well, are you wanting to consider all items except the height of the wall? They would be allowed to extend the wall to meet the zoning ordinance requirements. If they want to go taller, they have to come before this board for a variance. Is that what you're saying? Because if you approve all items except for the wall, then I think they have to come back for another conditional use permit and a variance application.

MR. PEDLEY: So you're proposing that the condition would be to come back for a variance on the height of the wall?

MR. NOFFSINGER: That's correct. If it's going to differ from what the zoning ordinance allows, then do that. You need to consider the location of the wall tonight, I think, but the height of the wall
would be for another time.

MR. DYSINGER: Mr. Chairman, this issue has been so contentious anyway, would it not be appropriate, and I'm willing to confer to Staff on this, but would it not be appropriate to ask the applicant to file an amended conditional use permit for next month and the variance? To me the idea of separating a wall out of this issue or the height and everything potentially muddies it already a contentious issue.

MR. PEDLEY: The issue to me is construction underway at present. Would this be stopping construction?

MR. CRAIG: Currently we're in the process of removing obstructions to the renovations we're doing. We're not in the midst of constructing new items at this point, other than parking areas. We will probably need to start putting in items for these heating and air-conditioning, that kind of thing. What I'm asking you to do is to consider our application for the wall including the wall. We'll comply with the height requirement, if we choose to. If we want some difference from the height requirements, then we'll have to come back on the variance.
This wall proposal has been in this matter since we started. We simply haven't drawn on the site plan at this point. So it's not a new item.

We would ask that you consider the application as filed. If we want to vary the height, we'll be back.

MR. NOFFSINGER: For the record, the zoning ordinance would require is Benita is considered to be the front yard, there's a three foot height maximum. If it's considered to be a side yard, there's a six foot height maximum.

CHAIRMAN: State your name.

MR. RINEY: Jim Riney.

Mr. Pedley's question. We're in the process for the exterior area of getting a bid. We have a secured bid. As you know, we're in the time of the year now where paving gets to be an issue. So that's part of the issue to go ahead with the conditional use permit. If we postpone this, then you know what that does for construction season on that.

If we could do as suggested on the floor tonight, go ahead and if it's the pleasure of this board to approve the conditional use permit, it will be approving only what's within the regulations in the ordinance because nothing has been requested in
addition to or an exception.

Then as counsel has said, counsel for
Boulware, if those issues need to come up later on,
then they would have to seek that additional approval.
In order for us to go ahead and work within the
construction season, I think we need to go ahead and
ask the board to make approval tonight and go ahead
and have the issue on the table.

CHAIRMAN: Thank you.

You all have any other comments? Did that
answer your questions to a point?

MR. DARLING: It does answer the question, but
the question is is if you approve it tonight it would
have to stay under the three foot clearance because
you can change the address of the property every week
up there if you wanted to and then move it around. So
if it's approved tonight -- as of tonight it's where
it's at, right?

MR. NOFFSINGER: I'm not certain of that.

Mr. Jim Mischel did advise me that he saw Wing Avenue
address. Certainly they have every right to request a
different address. Since it's going to be oriented
toward Wing Avenue, and that's where the vehicular
access would be. I think rightfully so I think the
front of the property should be Wing Avenue and not
Benita. So given that it's an interpretation by Mr. Jim Mischel, the zoning administrator, and he has advised me that if they have a Wing address and it's oriented toward to Wing Avenue, it's going to be a side yard and it's six foot.

MR. DARLING: Still doesn't address the issue of an extra entrance, an emergency entrance.

MR. NOFFSINGER: I think this board addressed that issue in the previous go around in terms of access to the property. It's always been understood that vehicular access would be off of Wing Avenue and not Benita.

CHAIRMAN: State your name for us.

MR. MAYFIELD: Horace Mayfield.

Am I to understand that if they use that as a side yard, the six foot height that's as far as they can go, unless they come back for a variance; that correct?

MR. NOFFSINGER: Yes, sir, that is correct.

MR. MAYFIELD: I just wanted to make sure.

MR. NOFFSINGER: We would have to notify all adjoining property owners and there would be an advertisement.

MR. MAYFIELD: One other question.

Mr. Craig said they were going to use that
area that they're going to close in as a park-like setting. Is there going to be anything for noise abatement? As I stated earlier, my house is only 50 feet at the most away from this area. If there are 60 to 90 people up there outside on the weekends, whatever, what type of noise abatement can be done so that my privacy is not violated where I can go out and use my own side yard on the weekends or whatever? Because if there's 60 to 90 people and they're within 50 feet of my house, I'm not going to have any privacy. There is no way I can utilize my yard with that type of noise going on. You can't say there is not going to be that kind of noise 50 feet from my house. Can that be addressed?

MR. NOFFSINGER: One way to address it would be this wall.

MR. MAYFIELD: It's a six foot wall. I'm 5'9". How is a six foot wall going to be any kind of noise abatement?

MR. NOFFSINGER: Well, we may want to look at an eight foot wall, but you can use a wall or you could use pine trees. You know, we've got Mr. Darling talking about the wall, the height of it and wanting a chain-link fence. That's not going to provide you any privacy at all. The wall is certainly going to
provide more privacy I would think than about anything you could do there. The applicant may have other suggestions.

MR. MAYFIELD: I don't know if Mr. Craig has anything on that line or not.

CHAIRMAN: Mr. Craig, do you have any other comments to answer his question please, sir?

MR. CRAIG: These park areas, there are four substantial park areas inside the wall after we've completed our renovation and construction.

At any given time I will frankly be shocked if there are more than 10 or 12 people in any one of those park areas at a given time.

Boulware activities never involve substantial noise or other intrusion on anybody where we are, and there's no wall where we are.

The suggestion is right. One of the reasons that we want the wall was to preserve park areas where people can feel that they can stop, rest, contemplate what they're working on in their life, what they're working on at Boulware. So it is just not a disruption issue for neighbors, but the wall is part of our work to enhance the environment as they apply it. Now, there may be times when you're like a church and you have a big church picnic and there may be all
kinds of people. I understand that, but that isn't
going to be something that is done except on very rare
occasions. This is not an intrusion issue for us.

CHAIRMAN: Any other questions from the board
members? I think we've pretty well asked everything.

Any other comments from the Staff?

(NO RESPONSE)

MR. DARLING: I bring up one quick issue.

It's flooding. Everyone in this room knows how bad
Fourth Street floods there at the Y. It starts at the
top of the hill and comes down the hill. Putting a
wall all the way across the front of the property is
going to divert all that water down to the driveway,
which to the neighbors to the east of me they're going
to have flooding across the front of their yard. That
will have that water -- normally it soaked in the
grounds or flows down the curb, across the curb.
Putting a wall there will cause all that water to be
behind that wall if they do. It will cause a more
directive issue, and I think that needs to be
addressed some other time too.

CHAIRMAN: Any other questions or comments?

(NO RESPONSE)

CHAIRMAN: Entertain a motion.

MR. PEDLEY: Mr. Chairman, I make a motion to
amend the conditional use permit to allow for
construction of Items 1 through 10 as presented in the
application. With the condition Item 3, it will be
constructed in accordance with existing zoning
ordinance. If the applicant wishes to raise the
height of that wall, they must come back before this
board for a variance.

CHAIRMAN: Is there a second to the motion?

MR. DYSINGER: Second.

CHAIRMAN: A motion has been made and a
second. Any other comments or questions from the
board?

(NO RESPONSE)

CHAIRMAN: Staff have anything else?

MR. NOFFSINGER: No, sir.

CHAIRMAN: Mr. Craig, you agree to work with
the Staff for the landscaping?

MR. CRAIG: Yes, Mr. Chairman, we understand
our commitment.

CHAIRMAN: Hearing no other comments all in
favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

Next item, please, sir.

ITEM 6
Consider request for a Conditional Use Permit to construct and operate a substance abuse recovery facility to serve a maximum of 100 residents.

Reference: Zoning Ordinance, Article 8, Section 8.2 C1

Applicant: Owensboro Regional Recovery, LTD, Phillip and Corine Hedden

MR. NOFFSINGER: Mr. Chairman, this application as we all are aware was postponed from our last meeting. At that time you asked the Staff to do a study regarding density and there was also some question related to, I believe, property values in the area. You asked both sides to come back to this board with evidence supporting their position.

First before we get into that I do have two letters that I need to present to Mr. Pantle and Mr. Pedley. I would recommend that you open these letters here tonight. You look at those letters, read them, and then present them into the record.

Also I have a number of e-mails that have been sent to the Planning Staff. I will not read those e-mails into the record; however, we will present them into the record, that they be incorporated as such.

If it pleases the board, I think the first thing that we should do would be go into the Staff presentation on density within the neighborhood, since that was one of your direct questions.
Does that please the board?

CHAIRMAN: Go ahead.

MR. NOFFSINGER: Mr. Brian Howard with the Planning Staff will be doing the presentation tonight.

MR. HOWARD: I'm Brian Howard. One of the staff members with the Owensboro Metropolitan Planning Commission.

As requested at the last meeting, we have put together some information in regards to population and household density within the area.

I'll start off by giving a brief overview of what we have looked at.

The map on the left side of the screen shows a neighborhood that we use for analysis purposes. It is bounded by J.R. Miller on the west and Byers on the north, the Greenbelt on the east, and then the bypass on the south.

We chose that boundary because of the three streets are major streets and the Greenbelt provides a definitive boundary around this neighborhood.

The red outlines that you see on the map are census blocks. The date of use is from the 2000 census. That is the most recent data that is available. A census block is the smallest area of geography that is distributed from the Census Bureau.
that you use for statistical purposes. So we did use
the census block.

Higdon Road is in the block on the south side.
The first slide here looks at the neighborhood
population per acre and then it's the present
population for this neighborhood present including
Fiddle Sticks.

Now, I'll briefly describe how we populated
Fiddle Sticks. I believe that the plan that's on file
in the Owensboro Metropolitan Planning Commission
office indicates there were 132 lots within that
subdivision. So that will be 132 households.

Within the urban service area of Owensboro and
Daviess County, the average household size was 2.39
persons per household. We took 132 lots multiplied
that by 2.39 and we came up with just a potential
figure of what the overall population will be for
Fiddle Sticks.

So based upon Fiddle Sticks being populated
and the other existing population within the area, we
come up with a 3.15 person per acre average for the
neighborhood.

The map in the upper right-hand corner shows
the population per acre at present for the census
block that includes Higdon Road. The current
population density is 1.13 people per acre.

Then the lower map on the right side shows the population per acre with the proposed seven acre facility. That included the population density for the census block that includes Higdon with the 3.09 which is in character with the 3.15 for the overall neighborhood.

Slide two looks very similar. We move now to look at household density within the neighborhood.

Calculations, again, were made along the same way. For Fiddle Sticks we populated it with the 132 lots household that were within the neighborhood.

Base on that information, the existing households within that neighborhood the overall household density is 1.15 households per acre on average.

Up right-hand corner, again, is the present density for households within that census block at 0.47 households per acre.

With proposed development we come up with a 1.2 households per acre.

Now, I tell you how I arrived at households for the Recovery Center census.

Their application includes service of up to 100 individuals. Again, the 2.39 figure comes into
play where the average household size is 2.39 persons.

We took the 100 total people that could be served by that facility, divide it by 2.39 and I believe we came up with 42 households that would be considered for the Recovery Center.

So based on that number, the household density for that census block to be 1.29. Which, again, is in character with what the overall household density is for that neighborhood.

Slide three. What we did with this slide is look at what the possible population household density would be for the neighborhood.

If every parcel were developed to its highest and best use. So what we did we took the zoning classifications within the neighborhood. For example, if Fiddle Sticks is zoned R-1C. In R-1C zone classification, you're allowed one unit for every 5,000 square feet.

If they were to develop that at the highest and best use, maximizing every square foot of the property, that's what we use to permit what the overall household density would be at a maximum.

The number we came up with for that would be 4.69 households per acre on average.

Again, on the right side we see what the
existing household per acre is and then what the households per acre would be with the proposed development. Again, the proposed development would be significantly under what the overall density would be if developed to the highest and best use.

The final map that I’ll show you we have it split up in four individual maps.

The upper left-hand corner shows the neighborhood households per acreage, including Fiddle Sticks. That goes back to the second slide I showed. 1.5 households per acre on average.

Then below that I show 1.69 households per acre on average, if every single property there were developed to the highest and best use.

On the upper right-hand slide, it shows the households per acres. If the seven acre tract or approximately 7 acre tract that is being proposed for the Recovery Center, that would develop at a single-family residential density. I use an R-1A and R-1C zone classification. R1A allows one lot per 10,000 square feet, which is about 4.29 households per acre. Then R-1C allows one lot for every 5,000 square feet, which is approximately 8.57.

Based upon those calculation for a seven acre tract, the overall household density within that
census block would be 1.205, if it were to rezone to R-1A. It would be 1.65 if it were to rezone to R-1C. Again, R-1A is under what the overall household density is within the neighborhood. If it were zoned R-1C, which the Fiddle Sticks property is zoned, then the proposal would be under that.

The lower left-hand, again, just shows what the household per acre would be as proposed 1.29.

Finally, in the lower right-hand corner it show what the household per acre would be if the property were zoned R-3MF zoning classification, which is a multi-family zoning classification which would allow up to 25 households per acre. So based upon that approximately seven acre tract, calculating that in with the overall area within the census block, the overall density would be over three households per acre.

I'm not here tonight to say that the applicant can or anybody would be requesting a zoning change to R-1A or R-1C and R-3MF zoning classification, but the Comprehensive Plan could likely support a zoning change to any of the residential zoning classifications that are on this map tonight. So the potential does exist for some higher density residential uses within the area.
That's basically the information I have to present tonight. I'd be happy to answer any questions that the board may have. Thank you.

CHAIRMAN: Board have any questions of the presentation?

(NO RESPONSE)

MR. NOFFSINGER: Mr. Chairman, at this time I'd recommend if anyone has any questions regarding density that we open the floor up for questions regarding that presentation and to speak about density. Then we would also after that I think move into a discussion on, if there's any evidence to be presented on property values, as well as any evidence that either side might have. You know, we've already spent a considerable amount of time listening to the debate pro and con for this Recovery Center. I think the board is well educated in terms of what each side has had to say. If there's new evidence to be presented here tonight, I think we certainly open the floor to that. I recommend we listen or answer any questions regarding density since that was one of the big items of discussion.

CHAIRMAN: Is there anyone having any questions about the density to report to the Staff?

Come forward and state your name, please.
MR. ELLIOTT: State your name, please.

MR. THOMPSON: Tommy Thompson.

(MR. TOMMY THOMPSON SWORN BY ATTORNEY.)

MR. THOMPSON: Mr. Chairman, Members of the Board, I appreciate this opportunity to address you tonight. Certainly appreciate that extensive presentation that we just received.

I just want to speak quickly. I think the selling point tonight is what is the zone of the property that's proposed for a conditional use and what does that zone allow in terms of density.

If you go to the zoning ordinance to Section 100.237 -- well, let me digress just a minute before we get to that.

The zone, if I don't stand corrected, that the applicant is seeking to have permitted for a conditional use is presently an A-U zone; is that right, Mr. Noffsinger?

MR. NOFFSINGER: Yes, sir. You would be, I guess, referring to the first slide in the presentation that looked at density based upon the present zoning of A-U Urban Agriculture.

MR. THOMPSON: That's right. The zoning classification of the property, the so-called subject property, the approximate 7 acre tract is A-U. When
you look at the schedule of zones within the
subdivision ordinance, under A-U it says that where
sanitary sewers are available that the minimum lots
sizes are .5/10ths of an acre or 1/2 of an acre. If
my math is correct, that would translate to two units
per acre would be allowed density within an A-U zone.

Now, we're not talking about an R-1C or R-1A,
but within an A-U zone, the allowed density per the
minimum lot sizes that are established in the zoning
ordinance are two units per acre.

The proposed project in that A-U zone; now,
remember they're not seeking a rezoning. They're
seeking a conditional use permit.

The proposed project has 38 units and it's on
6.9 acres. So if you take the 38 units and divide it
by 6.9, again if my math is right, that's the density
of 5.5 dwelling units per acre which exceeds the
allowable density within an A-U zone.

If we go to 100.984 in the zoning ordinance it
says under Residential Care Facilities that any
sponsoring private or governmental agency shall be
permitted to operate a residential care facility and
any residential district zone or subdivision subject
only to compliance with the same limitations upon
area, height, yards, screening, parking, number of
dwelling units, and number of occupants per dwelling units.

So my interpretation of that is that even though this project certainly is permitted as a conditional use within an A-U zone, it has to meet the same standards and the same parameters of all other units that are in an A-U zone including density.

Then furthermore, if you go within the zoning ordinance to Section 100.237, 100.237 under Conditional Use Permits it says, "The granting of a Conditional Use Permit does not exempt the applicant of complying with all the requirement of building, housing and other regulations."

My interpretation of that is that would include density as a compliance that they have to meet. Because obviously I think we wouldn't want people to use a conditional use process to circumvent the zoning ordinance and to escape the density requirements that are normally provided within the zones to protect the users in that zone.

If you look at the project across the street, which had 144 units on 40 acres, that density was 3.6 units per acre, which is still under the 5.5.

In my opinion, if I'm interpreting the zoning ordinance correctly, again, the application for the
conditional use is appropriate, but the density is not
because they have to comply with the density that's
required in the A-U zone and that only allows two
units per acre. So I would submit that based upon the
statute that the applicant would have to submit for a
rezoning, which they could very probably get as the
gentleman just pointed out.

They might be able to get an R-1A or an R-1C
or an R-3MF. Whatever their desire was, it would
allow 5.5 units per acre, but an A-U zone does not
allow 5.5 units per acre. I'm not trying to be
flippant, but I don't think, that's why you've got
counsel. I don't think that the Board of Adjustment
has the authority to waive the density requirements of
the zone. Now, I could be wrong and they could waive
them and say, well, even though the standards and the
conditions and the parameters are two units per acre
and this has 5.5, but from what I read is they have to
comply. Any project that's goes in there, any
institutional use that would want to come into an A-U
zone on a conditional use application without a
rezoning would have to adhere to the existing density
parameter and requirements of that zone.

So I just submit with that that I felt like
that the applicant if they want to do a project of
this density would have to first apply for a rezoning
to get placed in a classification that would allow
that density of 5.5 units per acre.

CHAIRMAN: Any board members have a question
of this gentleman?

(NO RESPONSE)

CHAIRMAN: Staff have any comments or
questions?

MR. NOFFSINGER: Well, I don't have any
questions. Mr. Thompson is certainly entitled to his
interpretation of the zoning ordinance; however,
that's just that. His interpretation. I think that
we have worked with the zoning administrator, Mr. Jim
Mischel, in terms of defining what the density
requirements would be. I think what we're doing here
is Mr. Thompson is confusing the density with lot size
requirements. In this case he is correct, that the
minimum lot size would be a half acre in an A-U zone.
They're not dividing property here. They're
developing a seven acre tract, which is a single
parcel with an institutional use, which comes into the
zoning ordinance as defined as an institutional use.
You have to ask yourself how many dwelling units are
there? How many kitchens are there? It's my
understanding that there's going to be one common
kitchen. That each individual dwelling unit, if you will, if you call it a dwelling unit or room, sleeping room, does not have its own individual kitchen. It's a bedroom.

You have to look at the definition of family and you have to be very careful with the definition of family. Because what you have here is an institutional use where folks are living together as almost a single family unit. There's only one kitchen so you really only have one dwelling unit. You have a number of bedrooms. When you're calculating density, you have to base it on the type of use it is and the definitions that you have within the zoning ordinance. Again, that goes to an institutional use as well as what dwelling units are and how they're defined in your ordinance and certainly family.

It's correct the board does not have the power to alter density. You simply can't do that, but I don't think that's what the board is doing here tonight. I think the density is as Mr. Howard explained. On the first slide you see here based upon how the property is zoned you're looking at number of households per acre. Then on another slide here, you're looking on the third slide you're looking at the number of people per acre. Isn't that really what
we're talking about is the number of people per acre.

Because there's only one structure here. We're not looking at several houses. We're looking at one structure. We're looking at 3.09 people per acre where the population, including Fiddle Sticks, is at 3.15 persons per acre. So we're actually under that.

That's just what the numbers show if we're looking at people versus people. It's not to say that Mr. Thompson is incorrect. You know, I think he's studied it and he certainly is making an assumption there that he feels is correct; however, Staff would disagree with that interpretation of density as it's laid out in the zoning ordinance and the statutes.

CHAIRMAN: Would our counsel please advise us which way.

MR. ELLIOTT: I would go with Mr. Noffsinger, his interpretation of what he said.

CHAIRMAN: Thank you.

Does the board have any other questions of Mr. Thompson.

(NO RESPONSE)

CHAIRMAN: Anyone else have any comments on the density at this time?

MR. ELLIOTT: State your name, please.

MR. STANLEY: Dean Stanley.
MR. STANLEY: I have a question relative to some of the density issues that have been raised here. From what I understood from the prior meeting of this body, the applicant has proposed a 100, I don't know if it's a 100 bed or 100 unit facility, but as I recall from the last meeting there was discussion about the number of individuals that would be there on a daily or a walk-in basis. That's my concern. If that's the case, what is the maximum number of people who can be at that facility at one particular time?

CHAIRMAN: Staff.

MR. NOFFSINGER: Based upon the application as submitted, there could be 100 residents. Now, how many actual people would be there at one time would include, and I would say staff, any visitors. I can't answer that question except to say that they can only have 100 residents residing there.

MR. STANLEY: Mr. Meyer stated at the last session of this body that there would be individuals who would be there for treatment on a daily basis that would not reside there, as I recall. If that's the case, then as you deal with density issue as presented by the staff, those would be modified to some extent.
by whatever that total amount would be.

One of the other points that I would raise with the staff relative to some of the calculations. There was the maximum use or the maximum number of people that could be there based on the best use of the property.

I happen to own a home that has 1 1/2 acres. So if you look at that from the Staff's standpoint, the density could certainly be a lot higher than just the two that reside in our residence, my wife and myself. So I felt like that that was to some degree a little bit of misleading as you make those calculations. It's taking the numbers, and I don't argue with the numbers, but I don't think you could look at the property that I have and say that it's 1 1/2 acres; therefore you could have X number of people there. Because I don't believe it would ever be modified to the point where you could utilize it for that many people being on an acre and a half property. Those are the comments I have.

I would like to know an answer to the maximum number of residents and patients, if you will, that could be there.

CHAIRMAN: We'll get that in a minute.

Is there any other questions of the density at
this time?

MR. ELLIOTT: State your name, please.

MS. COLEMAN: Sherry Coleman.

(MS. SHERRY COLEMAN SWORN BY ATTORNEY.)

MS. COLEMAN: I have a question. Maybe I'm misunderstood something that he said. Maybe I'm not understanding what he's talking about when he comes up with figures that he has for his density.

He said that he was calculating it at like three point something people per home.

MR. NOFFSINGER: 2.39.

MS. COLEMAN: 2.39 per home. This was per how many acres? There's 1 1/2 acre, whatever. Presuming that I had listed my home 100 people and it's still one home, you would still be calculating the density at 2.39 for that one home.

MR. NOFFSINGER: Yes. We are using an average and that's based upon census data, 2.39 within the urban service area.

MS. COLEMAN: So if you actually calculated where 100 people in my home that were there instead of 2.39, it would raise your density quite a bit, wouldn't it?

MR. NOFFSINGER: It would. There's no limit in terms of the number of people that you can have in
your home residing there. We don't know what those
digits are going to be. It's based upon how large
your family is, but we have to use that average.
These are the best numbers that we have available to
use. Is it an exact? No, ma'am. It's not going to
be exact. We are trying to arrive at these numbers
using a particular block area census data and then
2.39 as the average number of persons per household.
MS. COLEMAN: Let me be clear. When you
average in this facility, you're just averaging in
2.39 people for this facility.
MR. NOFFSINGER: No. We're counting for --
we would count it based upon you have the 2.39 and
divide that into say 100 and that would tell you how
many households per acre you would have on this
particular piece of property.
MS. COLEMAN: So your figure of 3 point
whatever up there is per acre in your -- my math is
not that great, but that doesn't seem quite right for
7 acres for 100 people.
MR. NOFFSINGER: 3.09, is that the number
you're referring to?
MS. COLEMAN: Possibly.
MR. NOFFSINGER: Population per acre proposed.
MS. COLEMAN: Yes. It's just on that seven
MR. NOFFSINGER: Well, it's not just on that seven acres. It's looking at that entire census tract that is across Higdon Road.

MS. COLEMAN: In other words, you're averaging it, you're kind of shifting it so that it covers the whole acreage and not just where it is.

MR. NOFFSINGER: Well, we're considering the neighborhood and how it affects density within the neighborhood. Not just on --

MS. COLEMAN: In other words, it will be very dense in one spot and very far from others.

MR. NOFFSINGER: Could be, but it's based upon a particular area, and we tried to define that area as you see it.

MS. COLEMAN: I just wanted to be clear. Thank you.

MR. THOMPSON: Mr. Chairman, just a quick question. Certainly not to be argumentative because I know we need to move on, but just kind of for my edification for the future. What would be the eligible density if someone went out and just had a piece of A-U property, A-U zoned property and wanted to build some units on that A-U zoned piece of property, how many units per acre could they build on
that piece of property? Dwelling units. Not people because typically we go by the number of dwellings units and not the number of people because the number of people could vary. You know the lady's example. You could have 1 to 100.

MR. NOFFSINGER: Be specific, please. What are you building?

MR. THOMPSON: If we were going to build a residence.

MR. NOFFSINGER: A single-family residence?

You could have one dwelling unit per every half acre you have.

MR. THOMPSON: What if you're going to build a four family resident?

MR. NOFFSINGER: If it's a four-plex with individual kitchens, and there's your key, individual kitchens, common cooking areas, then you're looking at that same density of one dwelling unit per every half acre that you have. We're not looking at people there. We're looking at number of dwelling units. Because in that case you have a four-plex, that's four dwelling units, four kitchens.

Here they're building a facility that has a common cooking area and it's only considered as one dwelling unit.
MR. THOMPSON: So you're differentiating between dwelling units and living units? Are they not the same? You're saying they're different in this case. A dwelling unit is not the same as a living unit?

MR. NOFFSINGER: I don't have a definition for a living unit. I have a definition for a dwelling unit. I have a definition for family and a definition for institutional, but I do not have a definition for a living unit. I just want to stick to what I do have.

MR. THOMPSON: Just for my edification. So you're saying that a dwelling unit has to have a kitchen to qualify as a living unit?

MR. NOFFSINGER: To qualify as a dwelling unit.

MR. THOMPSON: You're saying even though there's people that are going to reside in it and sleep in it and do other things, if it doesn't have a kitchen, it doesn't qualify?

MR. NOFFSINGER: Then it becomes institutional, or dormitory, or group type living, which we have definitions for those as well.

MR. THOMPSON: So, again, in summary then this proposed project, even though it's defined in the plan
as I saw 38 units and it says that on the plan and 100 residents as such, you're only considering it as one unit?

MR. NOFFSINGER: It is one dwelling unit.

MR. THOMPSON: For density calculation purposes.

CHAIRMAN: Mr. Meyer, would you come forward and see if you can't give us an answer to the number of people that will be there.

MR. ELLIOTT: State your name, please.

MR. MEYER: J.D. Meyer.

(MR. J.D. MEYER SWORN BY ATTORNEY.)

MR. MEYER: First let me again thank the members of the panel. I know you all have a difficult decision and you have other jobs and you do this on a daily basis to come here.

I'd also like to thank all the members in the audience, especially those in the Lighthouse Program that are here to support this project.

Mr. Stanley had posed a question regarding the number of individuals that this facility will serve. The answer to that question is this facility will serve 100 individuals. It will only serve the residents in the program.

CHAIRMAN: No walk-ins?
MR. MEYER: No walk-ins.

CHAIRMAN: That answers that question on that.

Is there any other questions on density at this time?

MR. WARREN: Mr. Noffsinger, in an A-U zone, is there a limit per dwelling on how many guests you can have?

MR. NOFFSINGER: No, sir.

MR. WARREN: So I could have 150 people at my party in an A-U zone if that's what I want?

MR. NOFFSINGER: If you're so inclined, yes, sir.

MR. WARREN: Just wanted to be sure there was no limit there.

MR. NOFFSINGER: No, sir. You know, you might have safety issues, fire safety issues and whatnot, but the zoning ordinance doesn't speak to that.

CHAIRMAN: I think we've pretty well covered density. Let's get to our next question.

Would you proceed to the second question we asked you all to check on.

MR. NOFFSINGER: Well, that was the only question that Staff was directed to address, I believe.

CHAIRMAN: Values too.
MR. NOFFSINGER: Values, we're not qualified to answer questions regarding property values. That would need to be presented by either side, if they have any evidence to speak to how property values will be affected or the welfare.

CHAIRMAN: Anyone ready to answer these value questions, please?

MR. MEYER: Would the panel like for me to address safety and then value or is there a specific order you'd like for me to go in to?

CHAIRMAN: If it's new items, we'll listen to it. If it's old, no.

MR. MEYER: Let me begin by saying I think that we all agree that this facility is needed. Everyone testified at the last meeting, everyone commented in has indicated the need in our community for the program.

Let me go back and address a question I believe it was Mr. Pedley, Mr. Pantle, it may have been you that asked in the last meeting that I have learned since then, and that is what has been expended, what can be lost with respect to this project.

I have learned in the course of the last month that one of the sources of funding for the
construction of this facility and the construction
cost is $4.3 million is a $500,000 grant from the
Federal Home Loan Bank through the Affordable Housing
Program. That money if this site is not approved is
in jeopardy and we will not receive that money.

Therefore, there was talk about, there has
been talk about moving to an alternate site. That is
not a possibility. That statement or question that
was asked before, what's at stake? There's a half a
million dollars at stake. A half a million dollars.

I've also learned that in the event that our
project loses this site and we lose that half a
million dollars, it is in the realm of possibilities,
great possibilities that the support for the program
and the approval from the Kentucky Housing Corporation
would also dissolve. That's a $4.3 million
construction facility and $625,000 of annual operating
revenue coming in from various governmental agencies
or entities.

So this is not that we have spent a few
dollars looking at the site and a little bit of time.
There's $500,000 for sure and very quite possibility
$4.3 million and $625,000 annually for the life of the
program that's at stake.

We've been asked to address the questions of
safety and also the question of property values. A lot of people in the last meeting asked why this location. I simply ask why not?

We will prove tonight to you all that this is a safe facility and will be a safe facility.

We will prove that the public will not be harmed by the participants of the program.

We will prove that this will not affect property value. Thanks to the hard work of the Planning Staff it has been shown that it will not affect the population density.

Let me begin by asking Rick Pierce to come forward. This is the issue of safety and integration.

We had asked the Commission and offered to take every member of the Commission and anybody from the public that wanted to attend to see the Hope Center in Lexington. The Hope Center is the model for the building that is being promulgated throughout the state in connection with this plan.

So I'm asking Mr. Pierce to come forward to provide some evidence, some pictures of the Hope Center so you all can get an idea and feel as to what this property is going to be like in the setting that it is going to be at.

We have pamphlets that we'd like to distribute
to the board that has evidence on our issues of safety
and property values.

CHAIRMAN: State your name, please.

MR. PIERCE: Richard Pierce.

(MR. RICHARD PIERCE SWORN BY ATTORNEY.)

MR. PIERCE: Gentlemen, in your packets the
first two tabs are various pictures, and I do have a
power-point presentation for each tab. I don't know
if in the interest of time we should put those up on
the screen or not.

I think obviously it doesn't give the Hope
Center justice. It's strictly photographs, but I
think that's what we have and that's what we need to
see.

CHAIRMAN: I think you ought to show it on
power-point on fast.

MR. PIERCE: When I went up last week it was a
rainy day so the pictures are not the best quality.

This is the entryway to the Hope Center in
Lexington. I think this picture doesn't even need
words. I think that's the function of the property
itself, the single word over the doors.

It's located on Versailles Road. It's visible
from a very main thoroughfare. It's been open for
four and a half years and it currently serves up to 66
residents in recovery dynamics program at one time.

    This is the main entryway. When I walked in it really opened my eyes.

    This is the hallway leading up to the living areas, upstairs and downstairs, and the laundry is in the background.

    This is one of the living areas for the new entrance. It's one of the things that I'd like you notice at this time. Obviously it's people trying to work through and keep all their things in a limited space, but it's very clean and I was impressed throughout.

    This is one of the areas after people progress through the program. It becomes a more private living space.

    They do have a sink and a very small refrigerator to keep private drinks and things like that, but I think if you notice pictures of family and friends and things. Obviously they're trying to make it their own space.

    One of the items concerning safety in the area is, well, can people just get up and wonder off through the evening? When I spoke to the director, I believe she had said that they conduct a bed check every hour by Staff.
Now, there's vinyl on the floor in an upstairs hallway which is probably more institutional, but it's also a durability issue for the residents rather than carpet down and having to replace it on a continuing basis.

They try to maximum their use of their space which is a single computer station.

This is a commercial kitchen facility for the residents to prepare their own meals. I was there that morning, it was about 8:30, and I could still smell bacon and eggs. I wondered what it was. The director said, no, it can't be left over from this because they have breakfast every morning at seven sharp.

This was the most cluttered room in the area. It's one of the upstairs classrooms. They are doing some renovations to this room to better utilize their space. They're having to add a restroom. So they've got some things stacked out of the way until they finish the renovations.

This is the rear entry of the facility and the parking lot.

Another item of safety. Adjoining this property are single-family residences to the west.

It's a closer shot from the entry driveway.
If you note -- I don't know if it can be seen very easily, but I think right in here and here there are some children's play equipment in the backyard.

This is the adjacent property to the east.

In my discussions what I remembered with the director, Ms. James, was they did have once incident with some residents kind of cutting corners through the yard. They had a meeting and they addressed it and now they have to stay on pavement or sidewalks at all times.

More property to the north across Versailles Road and to the northwest.

This is a church approximately a half block west and on the north side of Versailles.

This is the rear of the facility. The pond is actually a retention basin for the Hope Center.

Community Center for Chrysalis House and the adjoining facility is in the back behind them to the south.

This is the single-family neighborhood immediately to the west.

This is a neighborhood approximately two blocks north very similar in character. This property has been integrated well into a single-family area.

The last slide for this one. This is about
two or three blocks, within two or three blocks there's a nursing center within the area which I think also addresses safety concerns. That's the end of that one. Mr. Meyer was nice enough to furnish me some site photographs, I think, just for maybe clarification or information. We can flip through those quickly.

This is a view from the bypass. The proposed site is here. This is the northwest corner. The existing owner's house will be right there. It is to note that they will be remaining in their house. They will not be selling the entire property. Again, they will be staying in that location.

Looking from the bypass north.

MR. DYSINGER: Sir, are we standing in essence where the facility will be or are you looking where it will be?

MR. PIERCE: You're standing up on the bypass looking at an angle, the shots.

This is from the northwest corner of the property along Veach Road looking back towards the, I guess it's known as Fiddle Sticks tract.

This is standing within the property approximately 300 feet. The building would be another
200 feet into the photograph. My best guess is probably right in here with the bypass on the, actually I got it wrong, got it backwards. The bypass is on the right.

That's looking back northeast to the north property line toward the Higdon properties.

Looking to the south property line. Looking from the northwest corner down the property. From within the property looking down the line. Looking at Higdon towards the property, the tree line in the background.

Then at the property again from Higdon, mowed in the back with the bypass in the background.

MR. MEYER: Thank you, Rick.

Let me point out. You all saw a picture of an interior room that had a singular refrigerator. It has no kitchen facilities in it to clarify. There are no cooking facilities in the individual rooms themselves. There was a sink, a small refrigerator for them to keep Cokes. Cooking is not allowed, prohibited inside any individual room. It's all done in the communal kitchen in a communal atmosphere. I want to make sure that's clear. Didn't want to mislead anybody.

This is, as Mr. Noffsinger pointed out, one
large dwelling.

At this point in time I would like to introduce Janice James. She is the program director of the Hope Center. She is here to address the issues of safety in her facility and other concerns about her program that can be expressed today.

MR. ELLIOTT: State your name, please.

MS. JAMES: Janice James.

(MS. JANICE JAMES SWORN BY ATTORNEY.)

MS. JAMES: This is my program coordinator. She's going to speak with me. Do you want to swear her in too?

MR. ELLIOTT: Just one at a time.

MS. JAMES: I was employed when we opened the Hope Center Recovery four and a half years ago. Those picture that you just saw does not do it justice.

Our residents, which are women, do all the work at that program. They keep all the grounds clean and all inside maintenance and the housekeeping. We didn't do anything special for Mr. Pierce's visit. That's the way it always looks. We actually think the building looks better now than when we opened it because we've added flowers and a lot of landscaping because we want our center to blend in with the community. We want to be good neighbors.
When I was hired to open it, I got all these predictions about all the difficulty that we would have, both from our residents and from the people that would be attracted to the property. We have never had a crime committed on the property and we have never had a crime committed by our residents to any of our neighbors.

We want to be good neighbors. That's one of the reasons we keep our property looking so good. We have a lot of volunteers from our neighbors and our community come into our program.

That nursing home that you saw there, we take all of the -- we get a lot of donations from our community. We don't turn anything down. We take our clothing and shoes that would be appropriate for the nursing home residents, we take it up there.

Down to the right is a church. Not that church, but another church where our motivational track ladies walk to and have their classes. They set aside a whole room because they want to be supportive of our program.

The house next-door, the one that you saw in the picture, that was one complaint we had when we were cutting through the yard. Our ladies were cutting through the coroner. That stopped as soon as
it was addressed.

We had one other complaint from a Dairy Queen where they said our ladies got unruly one time. So they wrote an apology and they went and apologized in person. It's never happened again.

This is about giving people direction, if they do the wrong thing and for change to occur.

We have a Fords Fitness Center that is about a mile up the road and they give us special rates for our ladies to come and work out.

As I said, we have lots of people come in and help us prepare meals, watch our reception area.

We've very integrated with our community because that's what we want for our residents when they leave is to become citizens of this community. So it's a very give and take process.

I just want to describe for a moment our typical residence because we do demographics and collect information on that.

About 80 percent of our ladies have been involved with the criminal justice system in some way. Fifty percent of those have had felonies. About 70 percent have experienced domestic violence. About 30 percent come in with some type of physical illness. Sixty percent have been treated for some type of
emotional or mental illness. Twenty-five percent have less than a GED education, but another 28 percent have more than a high school education. Eighty percent of our women have children, even though they're not allowed to have children on the property. They're in the custody of other people, usually family members.

You hear these figures and I'm supposing that your composing a picture of somebody when I do that. Those figures are not that dissimilar from the men, except the domestic violence. Domestic violence is lower for men.

That's one of the reasons I wanted Stephanie to come along with me. I employed Stephanie one month after the program opened and now she is the program coordinator. She is an example of what this process, of what this type program can do for someone. That's why I asked her to come along and speak.

MR. ELLIOTT: State your name, please.
MS. RAGLAND: Stephanie Ragland.

(MS. STEPHANIE RAGLAND SWORN BY ATTORNEY.)
MS. RAGLAND: Again, my name is Stephanie Ragland. I'm the program coordinator in the Hope Center Recovery Program for women in Lexington, Kentucky. I am a by-product of a program that's wanting to be established here in this city.
About six years ago, and I'm sure that everyone sitting in here tonight indirectly or directly has been affected by the disease of alcoholism and drug addiction, and there's help available. Our facility is the best hope.

I get the opportunity of watching women come in beat up and beat down on a daily basis and watch them walk out with high self-esteem. Walk out just like me because I was just like them. It's about people in recovery helping people in recovery find a better way to live without the use of drugs and alcohol.

I just highly encourage you to take a risk. Somebody took a risk on me. I'm a convicted felony who has my rights back. I graduated college. I have my children back. I'm a homeowner. I'm a minister today. All of those things due to a program just like the one that's being asked to be put in this city tonight. Thank you for allowing me to speak.

If there's any questions, I'll be free to answer those and my boss.

CHAIRMAN: Any questions for the ladies?

MR. WARREN: I have a question.

I don't know, Stephanie, whether you're the one to answer this or Janice may be, or maybe even
you, Mr. Meyer.

First off, in our last meeting it was brought up several times that this community really needs a program like this. We're not against this program. They're against where we want to put this building. Sort of not in my backyard type thing. We need it, but not in my backyard, which is not uncommon.

My question is: Is your type of program or the type of program that you're requesting, it's my understanding that it's important that that type of program be integrated into a community; is that true, and why is it true if it is?

MS. JAMES: I think it is true because anybody can conceive a program, but to really continue to do well when you leave, it does make the community, at least this program integrates you into the community.

Whether you know where the grocery store is. Where to go to get your Section 8 vouching, if you need to do that. You know where to go to get your health issues addressed. You know where to go to church.

The idea that someone can go through a program to be locked into it and then be able to transfer that outside is not very likely.

Really and truly our program, we have to tell
everybody that wants to come to it how to get there.

It's kind of invisible to the community until you know it because it does, as you see, blend right in.

MS. MASON: Are some of your beds court appointed?

MS. JAMES: Yes. We have a tremendous waiting list. So what we do is we pick somebody that's court ordered and somebody that's not court ordered. So it's about 50/50. We actually just got a Department of Corrections contract that will be going. We wanted it because there's dollars that go with it. We just recently got that. So we're getting people directly from the prison system as well as from the jail.

Outcome data is actually better for court ordered people because it's a long program. People often leave because they miss their boyfriends, they miss their family, they miss their kids, they get a job, and sometimes they make it, but a lot of times they don't.

Someone who is court ordered gets the full benefit because they're required to complete it. So outcome data and all the literature will tell you that it doesn't make any difference if somebody is court ordered or voluntary as far as who is successful.

MS. MASON: So from the four years that you
have been in existence at that facility, there has
been some court appointed is what you're saying?

MS. JAMES: Absolutely. About half and half.

MR. DYSINGER: Have you ever denied a court
ordered resident?

MS. JAMES: No, we haven't. We would though
unless -- the selected that come here have to meet
certain, they have to have certain charges --

MR. DYSINGER: There is certain criteria to
begin with?

MS. JAMES: Yes.

MR. WARREN: Do you have criteria on removing
people from the program, and then what happens to them
after they've -- you've said, you're out, get out.

What happens?

MS. JAMES: Well, there's two ways people can
be removed from the program. One, they can actually
be voted out by their peer community. That doesn't
happen very often, but it does happen because when
you're dealing with your peers, most people give you a
chance after chance after chance, but sometimes it's
better for somebody to go out and try it their way
versus complete the program and not make the change
that they need to change.

The way this program works it's not just about
stopping drugs and alcohol. You've got to change the way you think, the way you act, the way you interact with others. If that doesn't happen, you won't complete it.

So that is one way. They get voted out and they just leave.

Now, if they're court ordered, their court officer is called and they're picked up. It's not our responsibility to necessarily monitor that. We've never had any issues with anybody refusing.

We had one issue with one person refusing to go the whole time we've been open, four and a half years. That was it.

CHAIRMAN: Any other questions from the board?

(NO RESPONSE)

CHAIRMAN: Before we proceed, Mr. Meyer, anybody outside have any questions briefly?

State your name, please.

MR. SALAMAH: Ramez Salamah.

(MR. RAMEZ SALAMAH SWORN BY ATTORNEY.)

MR. SALAMAH: I have a couple of questions for the lady.

Actually one. Did you say that your facility is mainly female resident?

MS. JAMES: Our facility is female residents,
yes. We do have another men's facility that is inside
a shelter and we're in the process of building a
separate building for it as well.

MR. SALAMAH: My question is: What is your
success rate in treating those residents?

MS. JAMES: We do outcome data based on six
months after completion of the program and one year
after completion of the program.

Six months after completion of the program 87
percent are still sober. One year after completion of
the program, 69 percent are still sober.

We also measure one day relapses because
addiction is just like diabetes, blood pressure. It's
a chronic illness. There may be a relapse so we teach
how to get back on board really quickly so that you
don't destroy your life or somebody else's again. A
third of those who do relapse is a one day relapse and
then they kick in their tools to get back on board.
So that's our percentage.

MR. SILVERT: As a matter of procedure, we'd
ask that you address questions to the Chair and he
will redirect those to the witness.

MR. SALAMAH: I would just like to point out
that -- presented by facility which have mainly
female residents. We're trying to make it so
promising, you know. We're trying to establish a
different kind of facility here in town which is
mainly male resident. The reason I'm saying that, we
all know that the profile of substance abuser between
male and female is totally different. We all know
that.

MR. DYSINGER: Mr. Chairman, I'd like to say
something.

We can no more look at the sex of the
residents than we could their nationality.

MR. SALAMAH: I'm not talking just from the
safety point of view. Not nationality. Males they
tend to be more threatening in term of safety. She
said, the lady over there, she'd been beaten up by a
male. I would like to bring this point up. Just to
mention that if you have 50 percent or 60 percent
success rate, then if that's the case then we have 40
percent of those people in the best scenario they are
in some way or another they still doing their activity
such as substance use and that can be alcohol, drugs
or whatever. I can imagine those 40 percent people in
that area over there trying to want to do whatever
they want to do and having an easy access to public
traffic in the area such as the Greenbelt and the
highway. We all know how drug flourish. They
flourish around high traffic area. We know that from bigger city and other areas.

What I'm trying to say is we all support such a facility in town, but putting it in such a location where you have high traffic area, public traffic area. Where you have those 40 percent failure, you have exposure to, you know, whatever they please.

MS. JAMES: Could I respond to that because that's not exactly what I said. Forty percent after they leave the program. They're not relapsing there on that property. The last place they want to be if they relapse is around that neighborhood. They go back to their old using areas is where they go.

CHAIRMAN: Ma'am.

MR. ELLIOTT: State your name please,

MS. BROWN: Carrie Brown.

(MS. KAREN BROWN SWORN BY ATTORNEY.)

MS. BROWN: I'm a mother of a drug addict. My son two years ago checked himself into the Healing Place in Louisville.

I just want everybody to know it's safe. It's safe. He was there for a year and a half. He's well. He's working. He works for Swift Corporation. Talking about going back to college.
I had to go to the Healing Place which was on Market Street. I'll tell you. When I first went there and headed that way I thought, I don't think I can do this. When I got there, I felt very safe. Probably safer there than anyplace else in Louisville. There was security. They made me feel comfortable.

There was no coming in and out of people using drugs. It was like boys and men from all walks of life. They were getting their lives together. They were going to school. They were going to class. You didn't have 100 people.

Yes, they do go out and check out. You may make it and you may not, and that's for everybody in this room.

I hear stereotyping. They're human beings and they need pride, self-esteem. Nobody wants to bring druggies into your home. It's not going to happen and it won't be in your back door. It won't be there. Every time I went to the Healing Place, those people weren't there. I saw families showing support. I felt so secure.

You know what was making me feel secure? Those residents. They greeted me and said, may I help you. Who are you here to see? I would have two men
who escorted me. I felt like I was a really important
movie star. Kind of felt like -- I felt that secure.
It wasn't going to happen for a four or five block
radius.

I want everybody to not get into this, oh,
we're going to have druggies there. That's not the
it. That's not it. If you don't want to be there,
you need to go back on the street and let me tell you
that's where they are. It's not going to be that
area. You have a problem. It's going to be downtown
here. It's going to be over on the far west side.
It's going to be on the east side. You want to get
rid of the drugs in this town, you put it right there.
That's the safest place that you're going to be able
to go. It's not going to be tolerated.

So don't think it's going to be drive by and
close to the Greenbelt and people are going to be
sneaking up here. That's not it. When you're ready
to change your life, we need every bit of support from
this community. That's what this is about. It looks
like a lovely facility. I'm impressed. We owe it to
our children. We owe it to our children.

It took, it's really hard for me to get up
here because I've battled it. I can't tell you what
that child in prior years. When the day came that he
stepped up to the plate, and I looked because I kept
tinking, am I a bad person to raise this child? When
I walked in and saw that facility and there were those
people who were uneducated and struggled all their
life and I was meeting doctors who were struggling the
same addiction as my child was, and lawyers, and
professional people. You know what, they were all
together pulling together.

So don't stereotype in your mind what a drug
addict is or an alcoholic is.

CHAIRMAN: Is there any other questions or
presentations you have?

I respect, ma'am, for your speaking.

Do you have anything else, Mr. Meyer?

MR. MEYER: Yes. To address the concerns of
Dr. Salamah and also to expand on the point of Ms.
Brown.

I'd like to bring forward Rodney Brannon. He
is the vice president of the program for the Healing
Place and in charge of their men's program to address
the safety concern.

MR. ELLIOTT: State your name, please.

MR. BRANNON: Rodney Brannon.

(MR. RODNEY BRANNON SWORN BY ATTORNEY.)

MR. BRANNON: I do have a couple of other
items. I will try to address the safety concern as well as question about having a facility such as this in the local area as opposed to potentially exporting people outside of the community.

First, I am the vice president of the program for the Healing Place and I've been attached to the Healing Place in some capacity for the last 11 1/2 years. Since 1994.

With a model such as ours, the Kentucky program, based on our recovery model, just as the Hope Center in Lexington was a replica of our model.

It's a really reassuring news to hear from Janice James that the women's program success rate is about the same as our women's program success rate. Sorry, but the men's program success rate is about five percentage points lower. It's about 65 percent and the women's is around 70. We're working on the guys.

The safety concern, first of all, is that the majority of the participants in the program are from the local area.

I will say that I have quite a few notes and some of my stuff that I brought. This is a snapshot basically of all the program participants on a given day. Of this entire list, eight percent of these
individuals are from either in Owensboro or around the Daviess County area. Eight percent of the Healing Place census in Louisville are from this area.

One thing that's good about the model as it exist in our community is the majority of the men in the program are from that area. It is their home. They've grown up there. They've started to make their bad choices there in using drugs and using alcohol and they've gotten into trouble in many cases and they've lost most things. Ninety-five percent of the program participants were homeless when they got there. They're also having an opportunity to recover there.

The bonds, the natural bonds associated with trying to repair their life and looking at old issues and addressing them. They wouldn't have that luxury recovering in a different community.

Same thing would exist here in the local community in Owensboro. Those individuals primarily in the recovery program would be from here. I believe that there's 22 beds accounted for from the Department of Corrections, which is less than a third of the program participants. It would be primarily folks from right here in Owensboro, and it is their home. Again, it's where they're raised. It's where they went to church. It's where they went to school. It's
where they started making decisions about drug addiction and alcoholism and got off the path. This program will be homegrown where there's an opportunity to solve their problems. So they create those same bonds.

As they complete the program, this is what creates the primary point of the success. It's really good news for me to hear of a mother's testimony, that I wasn't aware of, from our recovery program, a son in our recovery program. Because what will happen is once a participant leaves the recovery program, they have the resources attached right here. They have a second chance from the employer who knows how they used to live. Who knows how they used to work. Who knows how they used to not show up for work. When they work the program and go back to that employer and make an amends, correct their wrong, when they see a new person, that's a new job. That's a new connection. All of those resources are right here in their own backyard.

The safety issue. What happens with persons in recovery, in this capacity, again, there's a bond created. The same sense of a bond that they have on the street, but there was a false sense of loyalty to each other. When they get in a recovery, they're
looking out for one another and they're looking out for the facility. The facility becomes their home. As was stated earlier, it becomes a repellant for anyone wanting to use. It becomes a repellant for deviant behavior, for any criminal activity. It's a repellant. The majority of the men in the recovery program are wanting to be there and are on the means for being there for the right reason, and they are repelling for any criminal activity.

In the last, I'm sorry, I won't even say ten years. Since 1991 -- actually we have just explained the model a little bit, our recovery model. We have two components in our model that may be a little different from what's proposed here.

One is our non-medical detox. I believe you all have another facility currently that houses the non-medical detox.

We also have an emergency shelter for overnight clients. They're not there for a recovery program. They're simply men who live primarily on the street. All they come to us for is the basic needs that we believe all persons are entitled to; food, shelter and clothing.

The problems associated with any deviant behavior usually come from those two populations.
Again, they won't exist in the facility you have. So aside from those two, those participants in the recovery model, since 1991 there have been less than five incidents of the police department called. So that's a pretty good track record.

I'm free to answer any questions about the safety issues. As Mr. Meyer would like for me to, I will move on.

I also have packets for, I'm sorry, I don't have enough for each of you. I have six that I brought describing our recovery program and then some of the details about what's involved in our model which, again, this facility would be compared to, would be modeled after. I have six packets. I'll be more than happy to ship you other packets if you'd like.

CHAIRMAN: Any questions of this gentleman?

MR. WARREN: Sir, the program you're speaking of in Louisville is an all male program?

MR. BRANNON: Yes, sir. We have a men's program at 10th and Market. Our women's program is at 16th and Broadway.

I will add with those numbers that I related to safety, our program has a recovery of about I'd say three-fourths of a complete city block in downtown
Louisville. We house over 300 men on our campus.

The women's program houses 136 women. It's about 1.75 acres. Again, this program, the model for Recovery Kentucky is only a 100 bed facility. So it's significantly smaller in number and in capacity of clients, but again it's an exact same program model, but it won't have the density associated with the Healing Place in Louisville.

CHAIRMAN: Any more questions from the board?

MR. PEDLEY: What zone is that facility in?

MR. BRANNON: I believe we're actually expanding our women's program and the site location we're moving to is EZ-1.

MR. PEDLEY: What is that?

MR. BRANNON: It's a commercial zone.

Our current men's facility sits in an area where it's mixed use. There's primarily residential to the south and partial west of our facility, commercial area to primarily west on Market and then, of course, downtown to the east.

CHAIRMAN: You said the other was predominantly commercial?

MR. BRANNON: What's that, the women's facility?

CHAIRMAN: Right.
MR. BRANNON: The women's facility is primarily commercial surrounding it.

CHAIRMAN: Any other questions from the board members?

(NO RESPONSE)

MR. BRANNON: I will add that I made one fopaw there. To the alley, just in the rear of the women's facility, is Roosevelt Perry Elementary School. They were the biggest opposition when we moved the women's facility in 1995. We moved that program in 1995 from a small house on Oak Street where we housed 16 beds. We moved from that location to a facility housing 136 women. We figured we'd never have to move again, and it's filled to its capacity now.

The Roosevelt Perry Elementary School was a little nervous about a shelter and a recovery program being right across the alley. They're the best of neighbors now.

CHAIRMAN: Thank you.

Mr. Meyer, do you have anything else to add on safety?

MR. MEYER: Briefly.

As you all are aware, Lighthouse Recovery has operated a men's and women's facility from Clay Street, Fifth Street and Bolivar Street. I had asked
the Owensboro Police Department to gather some
information about the crime statistics in our area
specifically with respect to our men's houses.

The compilations are attached to your Exhibit
D that were reported to me by the police department.

In summary the men's house at 322 Clay Street
has been in operation since 2004. The men's facility
at 324 Clay Street has been in operation since 2003.
During that time and according to the statistics
provided by the police department, there were 29
incidents reported.

Now, some of those are thefts of a bicycle
from a resident at the program, but the incident
report is a little misleading because you may have
more that one incident reported for one call. If you
look at the call numbers, we've only had a total of
six calls to the facility since they've been in
operation.

The total calls to that neighborhood area for
the same time frame, and the neighborhood was
described as being bounded by I believe Third Street,
Seventh Street, Triplett Street and Crittenden Drive.
There were in that same period 1,971 incidents in that
neighborhood. We comprised 1.5 percent of the calls
to that area. A very, very small figure.
What these reports and incidents will show, is not a single call related to a complaint of abuse or any other type of activity by a neighbor. These were all calls initiated by our houses. There were no reports of anybody, a neighbor calling about a problem they had with someone in the program. Not one.

By comparison we looked at and Schedule E relays the same type of incident report for the property on Higdon Road. I would point out that in the time period from 2000 to 2006 there were a total of 76 calls. There are roughly 16 houses in that area.

More importantly if you looked at the statistics in 2006, there were 13 calls. I'm sorry, 2005 there were 17 calls. To date, August 6th in 2006, there were a total of 13 calls.

We believe that we're safe. We're a safe facility. We do not and will not, based upon all the evidence, cause any problem to the neighborhood.

I'd like to briefly bring up Carol Alvey who is a member and resident near our current men's facility.

MR. ELLIOTT: State your name, please.

MS. ALVEY: Carol Alvey.

(MS. CAROL ALVEY SWORN BY ATTORNEY.)
MS. ALVEY: I'm Carol Alvey and I reside on East Third Street. This neighborhood houses the Lighthouse Recovery, men in recovery center.

I do not fear the men that are at these facilities. I would be more fearful of those who might have addictions that are not being addressed and are not lucky enough to be in that program.

There are neighbors in the neighborhood who walk our dogs prior to light in the morning and have after it is dark at night. I have never been fearful. I do lock my doors. Yes, I lock my doors. Is it because of the facility? No. I have been on my own for 36 years and I have locked my door.

I think the world we live in today, if anybody wants to rob me, it could be somebody from the other end of town or another town. So I don't have any problem with the facility being in my neighborhood. I see the gentlemen in the morning. They are headed out to go to work. Somebody picks them up. They come home in the afternoons. They speak to me. They might come over and pat my dog. I don't have any fear of this being in the neighborhood. I've lived there since 1989. Thank you.

- - - - (OFF THE RECORD) - - - -

CHAIRMAN: Mr. Meyer, you have anything else?
MR. MEYER: Yes, Mr. Chairman.

At this point in time I would like to turn to the issue of property values in the area. Let me state and set forth what we've looked at.

Attached as Exhibit F you will find information regarding property near the jail facility. I will repeat this proposed project is not intended to be a jail facility; however, what we did, that was the most recent major debate in our community. We looked at the property values of those areas in and around the jail.

The first two pages represent a compilation of 16 or so properties that are as adjacent to the jail facility as we could get.

In my discussions with Tony Lindow of the PVA office, he indicated to me that they have not seen a decline in value. I believe that the information presented shows that there has not been. In fact, there has been a drastic increase in the values of several properties.

At this point in time I would like to ask Mr. Benny Clark to come forward to address the property valuation issue from a personal standpoint.

MR. ELLIOTT: State your name, please.

MR. CLARK: Benny Clark.
MR. CLARK: Just from a personal note. At the East Highway 60 facility known as the jail, which has bob wire on top of its fencing and so on, I purchased a piece of property, which you have that on record, at 3620 River Bend Cove for $110,000. Fifty foot from my front door was the back of the jail facility.

A little over six months ago I sold the property for approximately 200,000, which was an 80 percent increase.

After I moved in as a resident and one of the other town homes became available, I purchase that for I think around $101,000, and sold it for $150,000 almost within 30 days.

I partner with the resident at I think 3618 or 3616 over there, which that property was originally purchased for 89,000 and we sold it for or at 152,000.

I built a single-family detach at the end of this property, which the front bedroom window was 35 foot from the bob wire fence of the jail where the people came out. We built the property for 180 some thousand. The gentleman was offered $350,000 for the property this year by more than one resources and declined it.

I do not see on Veach Road the building of
this facility having any affect. If not, I see it having a different or a better affect. I just testify to my own personal situation. Thank you.

CHAIRMAN: Any questions from the board member of the gentleman?

MR. ELLIOTT: State your name.

MR. BOONE: My name is John Boone.

(MR. JOHN BOONE SWORN BY ATTORNEY.)

MR. BOONE: Does any of Benny Clark's property, does any of it back up to the river or have any other things that raise the value of the property? Does any of Benny Clark's property that he's bought and sold, does any of that back up to the river or have any other things that would dramatically increase the value of the property, other than the jail?

CHAIRMAN: Come forward. Answer that, please.

MR. CLARK: The property that I purchased was on the riverbank on Highway 60. This is not the only neighborhood. Cinderella Drive, only 120 foot away there's about seven new homes that back up to a manufactured home lot and the jail is on the other side of that. That is on your sheet. Those properties have increased. Those are brand new homes. People are not afraid to invest in that neighborhood. That's less than 100 foot away. I just absolutely do
not see any detriment as a 30 year investor in this community that would hurt their values. That's my personal opinion.

MR. BOONE: I guess another thing. The jail is fenced in. I mean we're talking about a facility behind our house that is going to have no privacy fence. You'll be looking at the parking lot of the facility. No shrubbery or anything to really block the view.

CHAIRMAN: Any board members have any questions at this time?

MR. DYSINGER: I have a question for Mr. Clark.

CHAIRMAN: Please come forward.

MR. DYSINGER: Mr. Clark, did you own the properties before the jail was built?

MR. CLARK: No.

MR. NOFFSINGER: This lady right back there.

MR. ELLIOTT: State your name, please.

MS. PAYNE: My name is Dottie Payne.

(MS. DOTTIE PAYNE SWORN BY ATTORNEY.)

MS. PAYNE: The location could be much better. I don't object to such an institution, but it's the location. These people need a big place to play, to be joyful, to be happy. They need room for a baseball
field, basketball field, maybe even football or volleyball, and certainly a track trail around the perimeter.

My objections to the proposed Veach Road location are: It's isolated and hind in by the overpass approach of the bypass to Veach Road. I don't think there's a transit system close by. Most of my suggestions are on other -- well, I'm not going to give you my suggestions of where you ought to go. It could be on any of these other locations. Also this is the only facility between the bypass intersection at Highway 231 and the intersection of the bypass at Frederica. There's nothing else like that on the inside of the bypass of this nature. Anything but residents. There is nothing. Basically more space for recreation is needed. Thank you.

CHAIRMAN: Any questions from the board members of the lady?

(NO RESPONSE)

CHAIRMAN: Next please. Come forward.

MR. ELLIOTT: State your name, please.

MS. SALAMAH: Leslie Salamah.

(MS. LESLIE SALAMAH SWORN BY ATTORNEY.)

MS. SALAMAH: I never got to ask a question
regarding the safety. Am I allowed to go ahead and
ask that now?

CHAIRMAN: Go ahead.

MS. SALAMAH: I was just wondering if those
centers that they were talking about over there, are
any of them adjacent to a public park or adjacent to a
biking trail?

CHAIRMAN: We'll get your questions down and
then we'll get the answer all at one time.

MS. SALAMAH: Then my other question is: They
were talking about how the group of men are together
bonded; however, there's only like a 60 percent
recovery rate. So that other 40 percent. My question
is: If a teenager just happened to cross by there and
they wanted some information on drugs or if they
wanted drugs or whatever, would those 40 percent
supply that information to those teenagers? Such as
where this location is being proposed is right on the
Greenbelt. Any teenager in this town knows that they
just want to walk by the facility on the Greenbelt
they could possibly have information at their
disposal. I'm talking about teenagers. Not
elementary kids here. That is my concern.

CHAIRMAN: Anything else?

MS. SALAMAH: My other question is: How much
supervision are these residents going to be having? Are they able to just run around on their own? I was not here last month and I just found out about this two days ago. If you've already addressed this, I'm sorry.

CHAIRMAN: We've got that list. Anything else?

MS. SALAMAH: That's it.

CHAIRMAN: Thank you.

Someone else have other questions? Come forward and state your name.

MR. ELLIOTT: State your name, please.

MS. JOHNSTON: Rita Johnson.

(MS. RITA JOHNSTON SWORN BY ATTORNEY.)

MS. JOHNSTON: I'm just really concerned about this money issue. They said that everyone is suppose to go through some type of program or something, but they're going, well, Freddie Mac is giving you money, Kentucky Housing is giving you money. They're saying that funding for the court order. They're talking money, money, money. In our other meeting, when I'm from the Poet area, which is very populated, which is very close and we use the Greenbelt quite often. So what's going to keep the president from saying, you know, I have all of these people, I bet you that's the
perfect place because you don't get anything for
nothing. So are they going to take this prison money
and say, okay, prison we're going to bring in this
area. So much money is going to take our prison
overflow. Because they're talking money. They're
talking, they even said they're getting it for the
court order, but they're saying they're doing one on
one. So when does money talk more? What's going to
protect us from prison overflow? We know there's
prison overflow. What's going to protect us? That's
what we're scared about.

Then they told us also that these men will be
walking our streets because it's so convenient. They
won't have to rely on public transportation or
anything. They're going to be walking our streets.
Which most of us, they're single-families, mothers
with children. We're talking men.

You know, all I could hear too was the abuse.
Lot of those women were in here for abuse. They turn
to drugs and alcohol because of abuse from the man. I
don't know when you ever feel safe. As soon as we
found out, you wouldn't believe that I wasn't one,
because I'm not able to, but the houses that went up
for sale just thinking that this threat. Because they
could not promise us that prison overflow would not
get there. They have said repeatedly money talks. If they give us the money, we'll certainly think about it. What protects us? I'm in the Poet area and that's heavily populated over there and it's very close. I guess that's my question. Money talks.

CHAIRMAN: Mr. Meyer, will you come forward and try to answer these first couple questions.

MR. NOFFSINGER: Do you need me to repeat them?

CHAIRMAN: Please.

MR. NOFFSINGER: First, the two facilities you've spoke about tonight, the Hope Center and the Healing Place, are they near a walking or bike trail?

MR. MEYER: I'd like to ask for Mr. Brannon and also Ms. James to come forward with me. They can directly answer that question.

MR. NOFFSINGER: And too can you tell, well, are there going to be folks standing out talking and conversing with people about where you can buy drugs? I think that was the second question.

Three, how much freedom will folks have that live there?

Number four, will you take prison overflow?

MR. MEYER: I think I'm best qualified to address prison overflow.
The program is not designed to be the next jail. It's designed to keep people from the revolving door of the jail system who have an addiction that aren't addressed in a typically incarcerated situation.

These residents who will come into the program, as we stated at the last meeting, will be extensively screened. So that anybody, even though we have the money coming from the Kentucky Department of Corrections, our facility has the right to refuse anyone. If the Department of Corrections asked us to take someone who is a murder and a rapist, we will not take them. We have that power to do so, and we do that. We are not going to allow those types of people who have repeated harden criminal, as you say, into the program for fear of a safety risk they may cause. If they have repeated violent offenses, they're also screened from the program. That's the way we operate now, Lighthouse operates now. This program will operate in the same way. So we can, we will stop people if we feel they're a threat or harm while they're in the program.

We'll also have the appropriate staff on the facility, as we indicated in the last meeting, to address anybody that does pose a problem. If they are
in, then they'll be immediately removed from the
facility.

I would ask Ms. James and Mr. Brannon to come
forward to address the other questions because those
were directly related to their facilities.

CHAIRMAN: State your name.

MS. JAMES: Janice James.

We are not on a foot path, on a walking path
or a bike trail. We have a day care behind us. Both
our men's and women's center have a day care behind
us. The men's have a Y behind them. We have a lot of
foot traffic because Versailles Road is very busy.

You have to remember that people when they
relapse are not on the property. They're gone. That
40 percent, and actually it was 31 percent for the
women's program. They're out back in the community
when they relapse. They're not on site when they
relapse. Really any teenager gets the best education
about why not to use drugs and alcohol when they stop
to talk to our residents on site. Back where they
used to be and they're engaging in other behavior,
that might not be the story, but on site around that
property is really a safe place for anybody. We have
a lot of teenagers, visitors who come in and do tours
and ask questions of our residents and it's really
insightful for them.

MR. NOFFSINGER: Question: Do you have public sidewalks?

MS. JAMES: Yes.

MR. NOFFSINGER: Thank you.

MR. BRANNON: Just to kind of restate again. My name is Rodney Brannon.

We do have a public sidewalk and there's also, just at the men's facility there's 14 meetings a week on property, 12 step meetings. Thirteen of which are open meetings. Primarily what happens is the family members of the clients will attend those meetings about 15 minutes prior to. Sit in the meeting and then stay and visit 15 minutes after. The clients are staffed 24 hours a day at the resident.

Our men's facility sits at Market Street between 11th and 10th. One block south of the facility at 11th and Jefferson there is a park and a community center. That path leads to several 12 step meetings in the community.

The neighborhood on the northwest corner is an apartment complex. The manager, the maintenance supervisor at that apartment complex is an alumni of our program. So they run the property.

On the southwest corner of that property
begins what is now called Sober Living. In 1997, the Healing Place in coordination with just an alcohol and drug abuse center went to the Housing Authority and created a model for Sober Living for individuals who are elderly or disabled as well as in recovery and the average person who would qualify for low income housing and created a Sober Living complex. That is an entire city block. It is adjacent to housing projects and right across the street from that park.

No one in the facility, as of October 12th, can be a registered sex offender. So there is adequate compliance to any and all safety issues.

Also two blocks north of us is a walking trail along the waterfront. Again, that's not just for folks in the neighborhood. That's for our client because the program we believe the heart of it is spiritual. They go to the waterfront to pray and meditate. They learn new skills other than robbing and stealing and trying to get and seek drugs and alcohol. They learn new coping skills and they go to the waterfront and meditate and work their steps and use that resource just like any other citizen.

I don't remember what the other concern was off the top of my head, but I had it. Oh, teenagers.

One of the primary resources of men and women
in recovery, and I'll stick to the men just for now.

As you probably well know just from hearing on
the news, there's a lot of crime in Louisville I'm
sorry to say. There's not much we can do at the
Healing Place about that other than prevent the cycle
from continuing.

We work in our recovery program with parenting
process to eliminate, try to eliminate drug use from
beginning with kids of our clients, but we also
welcome in quite a few community centers as well as
schools. All the high schools usually rotate classes
through the Healing Place. They bring in teenagers so
that they can be educated not by me but by our clients
because our clients were at one time teenagers
themselves and they were, they started using drugs and
abusing alcohol just at the same time these teens are
starting to experiment and makes those choices of
their own. So they relish the idea of helping
someone.

Part of it is spiritual. They believe that
their survival is contingent on them helping somebody
else. If they can get the satisfaction of preventing
a teen from starting the cycle like they did, it's
well worth it.

I also wanted to just say, I didn't get to
mention it earlier. I said I had a little list of things. Come Saturday my daughter will be 15 months old. She's the pride of my life. I've got a son that's due in October. Both are my first two kids, my wife and my first two kids. I bring my daughter to work with me. Sometimes the clients care for my daughter while I'm in a meeting. I know that's probably hard to believe, but they do.

One of the reasons why I'm so comfortable with that is because, as I said, I was attached to the Healing Place for quite some time. In 2000 I joined the Healing Place as a part of the board of directors. I was the first alumni board member. Because in 1994 I staggered in the doors of the Healing Place as a client. The Healing Place helped put me back on my feet, got me accustom to living life like normal people do in the City of Louisville. I was from Evansville. I stomped around Owensboro, Evansville, Henderson, all of those tracks that most of us are familiar with. I went to college and got my master's degree and now I work for the Healing Place. So I'm comfortable with the guys.

I know that the story that they bring in to the detox isn't the same story that they have when they're an alumni.
Any other questions?

MR. DYSINGER: I have a real quick question for Mr. Meyer.

We talked about this a little bit last month and I wondered if you could expand on it a little bit. In terms of the Department of Corrections referrals, how dependent are you on occupancy for funding? How few beds could you have if you didn't have the right kind of applicants and still keep the doors open?

MR. MEYER: The Department of Corrections money makes up approximately a third of the projected budget. So we will have to report, they will take up to a third of the beds so-to-speak, but if we can find ways to cut corners and reduce for less, if we find that it's a problem, we're able to do that. We have the discretion and the ability to do that.

Ms. James testified she was happy to get those from the Department of Corrections. A lot of those members and participants are already in the program. They're just that. They're people coming through probation. Now just getting some funding through the Department of Corrections.

As the operations of the facility go, so do more of our abilities.
MR. DYSINGER: Thank you.

CHAIRMAN: Before we get some more questions over here, Mr. Meyer, if you've got anything else to add at this time on new information.

MR. MEYER: I'd just like to bring Mike Townsend before the board as a representative from the Kentucky Housing Corporation to see if the panel had any questions for him?

MR. ELLIOTT: State your name, please.

MR. TOWNSEND: Mike Townsend. (MIKE TOWNSEND SWORN BY ATTORNEY.)

CHAIRMAN: Any new information we haven't heard before.

MR. TOWNSEND: Let me give you a little bit of background.

I'm working with the Kentucky Housing Corporation. I've been with them for the last two years.

In my former life, I was the director of the Division of Substance Abuse for the Cabinet for Health Services. I held that post for about 25 years. So I saw firsthand the scourge of alcoholism and drug addiction in Kentucky. We used all resources we had at our hand to provide treatment facilities throughout the state.
After I retired and Governor Fletcher came in, there was a change in the Housing Corporation. A new approach. Model after the Healing Place of Louisville, the Hope Center in Lexington, when I was the director of the division of substance abuse I realized what miracles were occurring in those programs. Very low cost compared to what we had with other programs.

So they've asked me to come back to the Kentucky Housing Corporation to oversee these recovery programs that are in the state. I jumped at that opportunity because I saw such a need in this state.

I grew up in Owensboro, Kentucky. This is my home. As I watched the process take place in Owensboro, I was just very much pleased with the support that I saw coming from not only the citizens, but programs like Community Solutions, Lighthouse Recovery. The newspapers, I read the editorials that were written in the newspapers supporting this. That really gave me a lot of pleasure knowing that Owensboro really wanted a program.

As Mr. Brannon stated, it's almost like a pipeline from Owensboro, from the Owensboro area to the Healing Place. We call the folks at the Healing Place little Owensboro because they had so many
referrals.

I remember the first time I came back to Owensboro to talk about the Recovery Kentucky process, there were a number of people in the room that were graduates of the Healing Place that were welcoming this opportunity.

I just say that because the programs that we're implementing through Kentucky Housing Corporation, the funding is coming from the Kentucky Housing Corporation, it's coming from the governor's office, and it's coming from the Corrections Cabinet. It's a total package.

Kentucky should be proud of the fact that we're using a model that works, a model that's proven itself affective as Ms. James and Mr. Brannon talked about today.

Kentucky Housing Corporation's commitment to this, as J.D. mentioned earlier, is about $4.3 million. That's coming from a combination of funds. It's coming from tax credits. It's coming from portable housing trust funds. It's coming from home funds, and another source of fund called Federal Home Loan Bank Fund in Cincinnati.

As Mr. Meyer pointed out, that Federal Home Loan Bank funding that they applied for for this
program, the $500,000 that is available for this program is based on an application process that gave bonus points during this realm. So hopefully the Federal Home Loan Bank would give points to those communities that were seeking these funds. So they've got that money in the bank. That ended with September application.

If this location is not approved and they have to go to another location, they have to reapply for those funds.

Now, that's not saying they won't get it, but there certainly will be much, much more competitive in order to receive those funds. There's a chance they could get them, but there's also a great chance they won't them get them.

What I'm saying to you is, we're committed to Owensboro for this program. We think we have a good location, Owensboro has a good location. I know there's going to be opposition anywhere in the state for this program. Every program that we've implemented in the state or have broken ground, there has been some opposition in the community. We know that just goes with the lack of understanding about recovery. I think for those communities where the programs have been built, the communities have
embraced these programs.

Drug dealers don't want to be around these people let me tell you. Alcoholics don't want to be around these people. These people are about changing their life. It's a spiritual program. It's a program that they take what they found through that recovery process and they pass it on to each other. So they hold each other accountable through the process.

I can assure you that if this program is built, these individuals will be wonderful neighbors.

Are there any questions?

CHAIRMAN: Any board member have any questions of this gentleman?

(NO RESPONSE)

MR. ELLIOTT: State your name, please.

BISHOP McRAITH: Bishop John McRaith.

(BISHOP JOHN McRAITH SWORN BY ATTORNEY.)

BISHOP McRAITH: Today we have heard considerable talk about the wonderful program of the facilities in Lexington and Louisville.

We have not heard much about the fact of our close neighbors in Henderson. As we sit here, we're in the process of building a multi-million dollar facility like these for women.

So we are in great need for a facility like
this in this area for men and we don't have one.

Now, I'm not here to argue about where the
best place is. I'm only here to support this program.

To say that I've lived in this community for 25 years
and I'm convinced that there's plenty of good minds
and big hearts that will see that we will not lose
this opportunity and have this money that we could not
afford to give us help to solve a serious problem that
affects many, many of our families. Thank you.

CHAIRMAN: Someone else come forward.

MR. ELLIOTT: State your name, please.

MS. BOONE: Misty Boone.

(MISTY BOONE SWORN BY ATTORNEY.)

MS. BOONE: After the board meeting in August,
we were told to get some evidence of our own as we
were suggested to.

I myself took it upon myself to find out some
more information about the facility.

I made a phone call to the the Healing Place
in Louisville. I spoke to a gentleman named Chuck. I
had three questions, just three simple questions that
I needed answers and I need clarified.

The first question that I had I wanted to
know, how many beds do you have in your facility?
They told me they had approximately, this is a guess,
70 something regular beds that were filled. I believe they had 28 detox beds. I may be wrong on that. You may have to correct me. So that answered that question.

My next question was: How many or do you take -- I asked, do you take people through the court system? They said, yes, they do.

The next question I had: How many do you have, how many beds do you have available for them? I said, however many you have open or do you have a percentage? They informed me that it is however many beds they have open. That came from a gentleman named Chuck.

Talked to the same. I talked to a lady named Amber. She is from the Hope Center. Same questions. Same answers.

Then I took it upon myself to call J.D. Meyer, he's on the board, to get some questions answered for myself. I have before you the questions that I asked him and I would like for the Chairman or somebody to ask him the same questions I asked him. Him himself, not somebody here to represent J.D. Meyer, but himself, to get his responses to these questions, and remind him he's still under oath. Yes and no question will be sufficient.
Mr. Chairman, before he answers those questions, I'm going to go ahead and get my stuff finished.

I have e-mails here from Greenbelt users. I'm presenting them all to you. The Greenbelt issue has been brought up. I want to give you these. I promised I would.

CHAIRMAN: Mr. Meyer, do you want to start with Number 1 please, sir?

MR. MEYER: Yes, I am.

MR. NOFFSINGER: Mr. Meyer, Question 1: Is it true, yes or no, that 30 percent of the beds will be open for people already in the prisons or jails who will be receiving shock probation only and the rest of the beds are unlimited to the ones who come through the court system (court appointed)?

These are questions submitted by Misty Boone for the record.

MR. MEYER: I believe that it is true that the facility, as we have already pointed out in my discussions with Mr. Dysinger, operational funding comes through servicing certain clients from the Department of Corrections. Preliminary estimates are that that will be about a third of the 100 beds. We do not intend to take all of them to avoid and make
sure we keep diversification from happening.

MR. NOFFSINGER: Question 2: Is it true that currently there are 100 percent residents at the Healing Place that have been through the court system, court appointing?

MR. MEYER: I do not understand the question as presented.

MS. BOONE: Would you like for me to clarify?

MR. NOFFSINGER: Please.

MS. BOONE: What I asked him was, there has to be some way to tell your residents from your walk-ins, from your jail court appointed people. If they get in trouble, you have to know either to kick them out or you have to be able to call their jail or whoever they are going to kick them out. How many in that facility are there with a court order, they haven't necessarily through a jail, they haven't necessarily been to prison or jail. They've been to court and it says, you can go here or here. How many did you have in that facility?

MR. NOFFSINGER: So no walk-ins basically, off the street.

MS. BOONE: That's what I asked. How many was in that facility at this present time?

MR. MEYER: I do not know the answer as that
is a question that should be presented to the Healing
Place. I directed Ms. Boone and provided her with
Mr. Brannon's cell phone number.

MS. BOONE: Disagree. He informed me that it
was currently 100 percent court appointed. If that's
incorrect, please have someone from the facility to
tell me.

MR. MEYER: Ask Mr. Brannon to come forward.

CHAIRMAN: State your name.

MR. BRANNON: Rodney Brannon.

Currently just to I guess address everything.
We don't have, we won't have any clients under per
diem. These are from the Department of Corrections or
from the courts. There is not a 100 percent
participation from the court order. There is
currently about 15 percent of our total population
that is either there under probation and parole or
court ordered. If any client, regardless of their
route or referral to a facility was to be discharged,
it wouldn't be based on them having a court order or
their mom dropped them off or any other issue. They
would be discharged based on their behavior.

Honestly I wished I had gotten the call. The
gentleman I believe that she's referring to, the
program is such that there is a peer role model, peer
counseling, peer accountability model.

Again, there aren't folks like me dealing with the clients day-to-day one on one. They're having peer counseling. One of those peer counselors as was described earlier is willing and able to assist at any capacity that he can, but if he's on the phone challenged with questions he can't answer, he might give a wrong answer. I wish I had been notified.

CHAIRMAN: Mr. Meyer, you come back up with Mr. Brannon and start with Number 3.

MR. NOFFSINGER: Number 3: Is it also true, yes are no, that the board is thinking about using the graduates from the program to be the security at night?

MR. MEYER: Yes. That is quite a possibility and given the testimony from the graduates of the Healing Place and the Hope Center presented before the board tonight, I don't see that as one single problem.

MR. NOFFSINGER: Number 4: Is it true, yes or no, there will be no detox beds at this proposed facility?

MR. MEYER: That is true.

MR. NOFFSINGER: If no, how will the walk-in get the help that they would need?

MR. MEYER: We have a hospital or other
facilities. I believe River Valley may have some --
River Valley I believe has the detox facility and the
hospital. That will be provided by other services in
our community.

MR. DYSINGER: Will or will not have detox?

MR. MEYER: We will not have a detox facility.

MR. NOFFSINGER: Number 5: Is it true, yes or
no, that most all of the residents would have gone
through their detox in jail, hospitals and other
places?

MR. MEYER: I would have to check the
definition, but I believe anybody stopping using drugs
is continuously in detox. If they go to the hospital
or another place and are there for a week, they may
then come to our facility when there's no longer a
medical need to have them supervised. They may be in
a facility at that time who will be observed by staff.

MR. NOFFSINGER: Number 6: Is there only
going to be 12 to 15 paid staff for this proposed
facility? Yes or no.

MR. MEYER: That is the number supported in
the budget and as a proposal. Of course, that is a
proposal. If there's more needed, we can get more,
provided we have the appropriate funding to do so.

CHAIRMAN: Thank you.
Does that answer your questions to the best?

MS. BOONE: Yes.

CHAIRMAN: Next.

MR. ELLIOTT: State your name, please.

MR. SALAMAH: Ramez Salamah.

I have questions for any of the people.

The lady mentioned that 40 percent of the client in the female facility have committed felony. Now, across the board, how many of the male facility have committed a felony? That's my first question.

My second question to Mr. Meyer. You said you screen people as they come into the facility. My question to you: Do you take child molesters who is on drugs? You have mentioned that, it sounds like you have the criteria to admit people to the facility. You have mentioned that sometime the census in the facility go down you have some corner to cut. Does that mean like you can change your admission criteria to accept more violent people?

MS. JAMES: Well, you have to remember that 85 percent of people who have felonies have them because they have an addiction to drugs and alcohol and are arrested because of that or trafficking or in pursuit of. Actually one of the worst crimes, the number one crime for our women and our men is writing cold
checks. It's not violence. It's things that allow
them to get their drugs and alcohol. So, yes, they do
have felonies, but no, that's not our intention to
bring anybody in to any of these programs who we even
have any perception that they might be violent. It
hasn't occurred. Either the men's program or the
women's program that we've had fights and things of
that nature. It just doesn't happen.

Neither one of us accept anybody who is on the
sexual abuse list. We always screen for that. We
screen out anyone who is not appropriate for our
program, but most people who are addicted to drugs and
alcohol, just because they have a criminal charge,
that's not a reason to screen them out. Because most
people will have if they've been in their addiction
very long.

Does that answer your question.

MR. SALAMAH: Yes. So clearly the program
will not admit child molester?

MS. JAMES: Absolutely not. The women are
close to day care. We screen them anyway. We're next
to day cares and we can't allow it so we screen for
all of it.

MR. SALAMAH: Other question: Do you have a
clear criteria you go by as you admit people and
that's not changeable based on the economic of the
facility?

MS. JAMES: Absolutely not. Because there are
plenty of people for us to serve. We have a huge
waiting list. As I'm sure Owensboro has a lot of
residents that need to be served. So we don't have to
change the criteria. We wish we had more beds just to
serve the people that are appropriate and that we
turn as appropriate.

MR. DYSINGER: J.D., could you respond to that
one too, the criteria?

MR. MEYER: Yes. To answer the question about
would a child molester be allowed on the facility?
The answer to that question is, no. I believe under
the recent passage of legislation, with the Catholic K
through 3 campus being located near Lourdes Parrish,
not only will our criteria not allow it, but Kentucky
state law will not allow it.

I have a six year old son, a five year old
daughter, an 11 month old daughter who all will go
through that school. Every one of them will. My six
year old is there now.

We will not change our criteria. As Ms. James
pointed out, our program right now has a waiting list
that you couldn't believe to get in. We have to turn
people away. Changing the criteria only does one thing to the integrity of the program. That is cause it to decline, and we're not about to let that happen.

CHAIRMAN: I think we're pretty well getting to the point. Let's get some that haven't talked yet. The lady back there hasn't spoke yet and a gentleman back there.

MR. ELLIOTT: State your name, please.

MS. MORRISON: Laura Morris.

(MS. LAURA MORRIS SWORN BY ATTORNEY.)

MS. MORRIS: I have been involved in a general way in this community for several years through Community Conversations.

Looking at some of the problems, our community has a fight working with law enforcement and with families with drug addiction, alcohol addiction and so forth.

I was part of the team that met for about two years to see what Daviess County looks like where drug and alcohol addiction was. And it was all across the city and the county. I doubt that there is a single person here tonight that has not in some way been personally affected. Their family or someone that they love with some sort of substance or alcohol abuse.
I happen to be the mother, the daughter, the niece and the daughter-in-law of an alcoholic. Our son was in recovery from drug and alcohol abuse in the past.

There is a great need in Daviess County. We have shipped people off for care that they need here. The program that we started at our detention center is full with lots of people waiting to get in, for men only. I would like to see an opportunity for, well, an equal opportunity, as addiction is an equal opportunity across economic, socio economic line.

I have a particular question I would like to have answered. That is: In the very fact that families are impacted, not just the person in addiction, will they have an opportunity in this new facility, which I pray that we will have here in the beginning -- I will say I was very concerned for safety issue. I said, oh, my gosh, why are they putting it near the walking path, the Greenbelt? I'm satisfied and I'm a very highly skeptical kind of person. I've looked at the statistics and I'm very satisfied that we will have a good facility, a beautiful facility that will even enhance some of the neighborhood. I believe that. It has excellent statistics. That bring up the safety issue.
I am so proud of the people that have given long days and years of their lives to see that we give this for our county, for our citizens and the surrounding counties.

The one thing you need to think about with addiction. There's this term called revolving door. I've heard it used with my friends who happen to be the jailer, the sheriff, chief of police. If we don't treat it, if you done give help, then we are simply releasing into the community more and more people who are helpless to help themselves and who really is just dragged down. I mean this is a major center for crank or methamphetamine. We have to deal with addiction. We have to teach people skills that they need to survive.

I understand some of you will feel this is a bad thing that's impacting on your place, your particular corner of the world. Think bigger than just yourself.

If we have problems, I tell you, you call the Messenger-Inquirer and they'll be glad to print them. Don't convict it until it gets a chance to prove itself because I think it will be something that will greatly enhance our community and give a lot of people a second chance or a good chance for living
free. Thank you.

CHAIRMAN: I think we've listened, we agree that there is problems here. Their program is good. We can understand all of your all's reasons.

We listened to it last month. I think we've heard enough testimony at this time to go from here as a board.

I'm going to give each one of you on each side five minutes to summarize it up and then we're going to call it off. We'll make a decision from there. So you all have got five minutes. You all have got five minutes and then we'll take a brief recess and then come back and go from there.

MR. THOMPSON: Mr. Chairman, we haven't been able to present anything on adverse property.

CHAIRMAN: If you've got some new information, then come on. Since we haven't listened to you all, we'll give you a little time.

MR. ELLIOTT: State your name, please.

MR. ZABORAC: I'm Todd Zaborac.

(MR. TODD ZABORAC SWORN BY ATTORNEY.)

MR. ZABORAC: I'd like to share a little bit with you all.

I've lived in Daviess County now for 25 years. Last April 23rd I was busted by the Daviess County
Sheriff's Department for manufacturing methamphetamine
while possession of a fire arm.

Four months later on December 1st, or actually
I've got to back up.

December 1st I got bust the first time. Four
months later on April 23rd I got busted for the second
time for trafficking 40 grams of methamphetamine.

I am a convicted felon. I am a meth addict.
By the grace of the courts, Judge Payne court ordered
me to the Healing Place on the 30th of April.

I spent nine months of my life there. I
didn't know how to live life. My life was pure hell
just to be honest with you. I didn't know how to work
a job. I had plenty of good jobs. I had lost every
one of them.

The safety issue that has been brought up I'd
like to speak on. I know firsthand from being a
client there at the Healing Place, a men's facility.
In the nine months I spent there, I never once saw
anything bad happen. We walked through neighborhoods
every night. We walked through downtown Louisville
every night to meetings. We trudged everywhere we
went.

There was no time that I was scared to have my
mother, my now wife, my sister, my grandmother,
anybody there at the Healing Place.

After being taught how to live life again on
life's terms, I'm now a productive member of this
society here. I have a good job. I volunteer for the
Lighthouse program teaching recovery dynamics to them
and run in their community.

Without going through what I did, I wouldn't
be standing here right now today. I wouldn't be able
to talk to any of you. I would be dead. There is no
doubt in my mind that I would be dead.

What the Healing Place has done for me is it
gave me another chance of my life.

Two weeks ago one of my good friends killed
himself here in Daviess County. He was an addict.
How many people has got to die in this town before
Owensboro will wake up and know that there is a
serious methamphetamine, drug and alcohol problem in
Owensboro.

If you go to the Healing Place, you're going
to see a little pub like this and it's God. God is
working in each of their lives.

When I went there, I didn't think when I got
done with the program that I would be clean and sober.
I've been clean and sober now for a year and a half.
I thought once I went through this program, I got out,
got through my court trouble, I'd be right back at it
doing the same thing over again. That ain't how it
works. You go through this program and you fake it
until you make it. That was one of the saying there,
and that's what I did. I faked it until I made it. I
didn't know how to follow rules. I didn't know how to
live life on life's terms at all. After nine months
of there, I can do it now. It took a few little bumps
in the road through my recovery to do it, but I was
able to do it.

Everybody that's in jail -- I've got I don't
know how many friends are sitting in Daviess County
right now. They might be convicted felons by the time
they get out of there, but that's the only offense
they've got is drug related.

The safety issue. If you don't know about
something, how can you speak on it. Unless you've
been there firsthand and been through one of the
facilities, you can't say it's not going to be safe.
If you don't know, you don't know. Thank you.

CHAIRMAN: Have we got anything else new?

Granted that you all went through the program. You
did a good job. It's worthwhile. We're not arguing
on that. We need to come on a couple of items of the
cost and the density over here. Present yours and
then finish up five minutes on each side after that.

MR. THOMPSON: Mr. Chairman, Members of the Board, just a quick preference.

There's been a lot of good comments tonight. A lot of good dialogue, a lot of question and answers. A lot of emotion.

Let me just say that I don't think there's a person in this room that doesn't believe the need for this type of facility to exist in Owensboro and Daviess County. I don't think anybody would disagree with that.

All these testimonies that we've heard from the people that are in the program, all the great testimony from the people that are from Louisville and Lexington about the quality of their two centers is tremendous. I hope that we can have that in Owensboro and Daviess County.

Nobody here tonight is arguing the fact that we don't need this facility. I think that's given. I think that's been very well demonstrated and qualified.

The issue here tonight, if I can just kind of circle back and get away from all the emotion for a motion and get back to the facts.

If we go back to the Board of Adjustment,
Article 7 within the Owensboro Metropolitan Planning
Commission Ordinance and we look at 7.32, the
Conditional Use Permit, there are two things that
you're charged with tonight principally to make your
decision.

Number one is, can this property be properly
integrated into the neighborhood and will the granting
of the conditional use and construction of the
property, the construction of the project have an
adverse influence on the property value? I think
those are the two most salient points that we should
deal with tonight.

Whether or not we need the project, even
though it's well documented. People have done a great
job, and I applaud all these people that are
supportive of this project. They're great citizens.
They're great people of Owensboro and Daviess County.
I'm glad we have them because they have a real passion
for this community and they want to make it a better
place to call home.

Nobody is challenging that. I really applaud
their advocacy. We desperately need a facility like
they want in Owensboro and Daviess County.

The salient question is: Where is the best
place to put it for all concerned? That's why we're
here tonight.

So the issue is really the appropriateness of the location and will it have an adverse influence on property value?

If we can get back to those two facts, and I'd just like to address quickly the issue that's very important. Adverse property value. The ordinance again says, make sure that the conditional use of the project would not have an adverse influence on existing or future development or the subject property of its surrounding neighborhood.

I'd like to ask George Cox to come up to be an expert witness. George Cox is perhaps the most reputed and certainly the most experienced appraiser in Owensboro and Daviess County. Up until a few years ago, he was the only appraiser in Daviess County that had the highest appraiser designation which is an MAI. Now there's two. He has one of those two.

George has been in business for 40 years. He has appraised over 40,000 one to four family residents. He's totally disinterested. He doesn't live in the neighborhood. He's a professional. He's testified many, many times before public forum, such as court, and he's also been a past president of the real estate, the State Real Estate Appraiser's Board.
I think he's very qualified to speak on the issue of adverse property values and speak on them from a professional experience license standpoint.

So I'd like to ask George Cox to come forward just for a minute on the subject of adverse property value.

MR. ELLIOTT: State your name, please.

MR. COX: George Cox.

(MR. GEORGE COX SWORN BY ATTORNEY.)

MR. COX: Mr. Chairman, Counsel, Board Members, I've been asked to come here tonight for one reason and one reason only and that's to talk about property value.

In my experience, 40 years being in this business, I learn something every day. Tonight I think I learned something. That if you build a jail in a neighborhood, the property value goes up. I don't think that happens.

In my opinion, to build this facility where it is, where it's proposed to be built, it will have an adverse impact on the property values. It's an intrusion of an inharmonious group into a neighborhood.

Real estate is different from any other commodity that you can think of simply because of it's
location. It cannot escape its environment. That's why it's so important to analyze the neighborhoods. That is one of the primary things that is taught in every class that I've taught. I've taught both at the college and at the professional level.

Real estate is fixed in locations. The market has to come to a head. If you make a mistake, you can't unring the bell. Keep that in mind.

Those properties out there, especially those ones in close proximity to this proposed facility, without a doubt in my opinion will suffer a loss in value.

One other thing here. Instructions to appraisers on the valuation and analysis of single-family one to four unit dwellings. The directive number is 4150.2. It goes through and describes site analysis, site requirements, neighborhood definition, pending sites. Number three, inharmonious land uses. Let me read verbatim what it says.

"The appraiser must identify all inharmonious land uses in a neighborhood. Clearly define the current and long-term affect that inharmonious uses will have on the market values and the economic life of the subject property. If inharmonious land uses
represents a serious detriment to either the health or
represents a serious or safety of the occupant or to
the economic security of the property, clearly note
safety of the occupants or to the economic security of
the property clearly note this on the BC and UAR.

The last sentence. "Recommend that the property be
rejected by the lender."

MR. DYSINGER: Can I ask a question about
that, Mr. Chairman?

CHAIRMAN: Go ahead.

MR. DYSINGER: Boil that down for me. Does it
basically say that if there's anything in the
neighborhood that makes it unsafe that it should be
rejected by the lender. Is that the gist of that?

MR. COX: Yes. I read that verbatim.

MR. DYSINGER: I understand, sir, but I'm not
a real estate expert. Is that basically what it says;
it puts an unsafe situation it should be rejected by
the lender?

MR. COX: Yes.

CHAIRMAN: Any other board members have
questions?

(NO RESPONSE)

MR. COX: What I practice now is mostly in
litigation. I do a lot of court work. A lot of
testimony.

If I had to appraise this property on a before
and after basis, as I'm required to do in most cases,
there's no question that the aftermath of this
property would be less than before, assuming that this
facility is built in this location.

MR. DYSINGER: Because it would be unsafe?

MR. COX: It's an infiltration of an
inharmonious use in the neighborhood. The market
participants of buyers, perception is reality to that.
Safety is the number one issue in buying of
single-family homes.

MR. DYSINGER: Since you're here, sir, with
your expertise could you give us a theory as to why
the property values increased around the jail?

MR. COX: I don't think they did increase.
I'm saying that I heard testimony by Mr. Clark that it
went up. I know the property that he's talking about,
the condos on the river. As a matter, I appraised
them when they were built. I appraised two or three
of them two or three times. They've always had a
tough time to sell. We've had an extended marketing
time, and I've got records to prove it.

MR. WARREN: So you're saying that what we
have in black and white here is wrong? Because we
have the numbers down in black and white.

MR. COX: What numbers?

MR. DYSINGER: The sale prices.

MR. WARREN: Buy prices and sale prices.

MR. COX: Sale prices, you have to go beyond

the sale prices. You don't look just at the numbers.

MR. WARREN: They still sold for that price.

MR. COX: They sold based on certain

parameters. When you deal in market value, you're

dealing with all cash. It doesn't mean that you take

a trade-in or you leave a car in the garage, that if

you buy this you get the car free. That's what

happened. That's why you have to be very careful when

you talk about prices.

I'll let you price your house. I'll buy your

house for any price you set on it if you let me

dictate the terms. Pay any price if you let me

dictate the terms and the conditions.

MR. DYSINGER: So the houses around the jail

sold at unfavorable terms. I'm sorry, sir, I'm not

trying to argue.

MR. COX: No. In my experience in that

neighborhood, since that jail was built out there, the

values have not increased comparably to other areas of

the town.
MR. WARREN: So they haven't increased comparably in Owensboro, but they have increased?

MR. COX: Right.

MR. WARREN: They didn't decrease.

MR. COX: I can't say it didn't decrease, but what I'm saying is that if you compare apples to apples, you can't compare. Those properties you have to look at the price. You have to look at the price range of properties, the kind of properties they are, and the neighborhood.

MR. WARREN: Mr. Cox, I contend that you're comparing a facility that has never been built.

MR. COX: I'm sorry.

MR. WARREN: I'm saying you're not comparing apples to apples either. You're telling us all this stuff about a building that has not yet been built. You know, it might happen that this is a harmonious situation.

MR. COX: Well, it might, but based on my experience that won't happen. I'm doing the extension on the bypass, for the extension of 54 bypass. I've got 48 apartments to do out there. I'm going to make the assumption on the absent value of those properties without that road being built. It's the same thing that I'm doing here.
MR. DYSINGER: Can you point, sir, to an instance in your experience that would be similar to this situation?

MR. COX: Not necessarily. I checked these other facilities out. Like the one in Harlan I think is going to be built next to a jail. The one in Hopkinsville is going to be built next to Western State Hospital. So there's really no way to categorize an adjustment for that factor because that's already built into the market. None of these facilities that I've seen have put in a comparable residential area.

But based on the studies that I've done; power line easements, pipeline easements to heavily traveled roads, there will be an adverse impact.

CHAIRMAN: Any more board members have any questions of Mr. Cox?

(NO RESPONSE)

MR. THOMPSON: Mr. Chairman, the next salient point here that we need to discuss and that's the property integration in the neighborhood.

Remember now that the primarily character, the principal character of the neighborhood that this project is proposed to be built in is low density single-family detach. That without any question is
the principal character of the neighborhood.

So let's look. Shouldn't a good test be

instead of whether this can be integrated or not and

look at it from an extemporaneous standpoint, let's

look at the other projects around Kentucky. They're

the project or part of the Recovery Kentucky Program

and see where they're being built and let's see real

quickly how they're being integrated in our community.

I don't have enough of these for everybody to

see one. This is the aerial photograph of the Hope

Center in Lexington, which by the way is a tremendous

complex. I applaud the directors. I know they're

doing a tremendous job there, but I'm afraid the

gentleman that came up early on with the slide

presentation wasn't totally candid about the

neighborhood.

If you look at this picture, see the L-shaped

building that's kind of in the middle that has an

orange roof? Do you see the orange roof? That's the

Hope Center that's located there at 360 West Louden.

A beautiful facility. No question about that. Very

well run. Very well maintained, but let's look at the

character of the neighborhood that it's in. It's

certainly not residential.

If you look, and I'm not sure it's north, but
if you go north you'll see the intersection on Louden and New Town Pike so I'm going to say that's north. It may not be, but just the top part of the picture let's say that's north.

So if you go south of this, you see an apartment complex that's very near this with all those brownish roofs. That's an apartment complex. If go across the street, there's a YMCA. That's an institutional facility. If you go across the street a little bit to the east, that's Lex Marx. All where those white top buildings are, that's a huge manufacturing complex. If you go a little bit further up to the north, right at the intersection is the health department. On the other side of that intersection is the Department of Vocational & Rehabilitation. If you go a little bit down to the south of the orange colored building, it's a farmers feed mill. Finally if you go right across the street from the farmers feed mill, there's a GE glass plant.

Yes, there's some single-family residences in this area, but certainly not predominately single-family like the proposed site in the neighborhood that's the subject.

This certainly is a mixed use development I think that you can agree. This is in Lexington.
Now, let's go and look. We've already talked briefly about the one in Louisville. The one in Louisville, as the gentleman said, and unfortunately I don't have enough of these either, but the one in Louisville I believe, as the gentleman said, is in a commercial area, and it is. It's in a downtown lower income, very dense area.

You can see by the pictures. You can see all of Humana and all the buildings in the forefront where the one in Louisville is. There's an apartment complex right next it.

There's no Humana next to Higdon Road and Veach Road. There's no apartment complex. There's no YMCA. There's no institutional facility at all. It's all single-family residential. That's not the character of the project in Louisville.

Let's go on for another test and see what's going on at Morehead. I've got all the letters from Recovery Kentucky that have told me where the location is.

Let's look quickly at the one in Morehead which is called the Inspiration Center. The one in Morehead looks just like the one in Daviess County. Certainly is needed, but let's quickly look at the characteristics of this site in Morehead to see how
they're integrating it into the community, and are they integrating into an exclusive single-family residential area or is it more harmonious with the surrounding?

I think I put an X on there where the site is. The site which is on US 60 in Morehead, it's 1111 US 60 West. You can see the highway right in front of it. It's right next to the Morehead Utility Plant Board Maintenance Facility.

That by the way used to be the former sewage treatment plant location for the City of Morehead.

Behind it is a huge, I thought it was a river but it's called Triplett Creek that's behind it that you see there. Right next-door to the Morehead Utility Plant Board Facility is the electric substation. Across the street is a cemetery.

Again, in Morehead this isn't being placed in an exclusive residential neighborhood. It's being placed at a minimum of mixed use development where it can more properly be integrated. Consistent with the other one that we've just talked about.

Now, quickly let's look at two other ones. Let's look at Harlan County. I don't have an aerial of Harlan County. It's located at 5050 Highway 30A in Ebarts, but I refer to an article from the Courier
Journal that I submit for the record dated April 22nd.

It says, "3.9 being in Cumberland Community Center is part of Recovery Kentucky which was announced in 2004."

The center sits next to the new Harlan County Jail in Eberts. The site in Harlan is not next to an exclusive residential neighborhood or only a residential neighborhood. It's next to a jail. That's how it's being integrated into the community.

Finally, let's look at the sixth one in Hopkinsville. As Mr. Cox mentioned, the one in Hopkinsville is located at 2400 Russell Road on the ground of Western State Hospital.

I think a lot of us that have to Hopkinsville know where Western State Hospital is. This is being built on the ground of Western State Hospital.

So not one of these facilities, which are all fine facilities and very much needed, but they're being properly integrated. They're in mixed use communitie. Where commercial is nearby. Where industrial is nearby. Where institutional use is nearby. In many, many cases right next-door and across the street. None of that is relevant to this site.

There is no institutional use in this
neighborhood. There is no multi-family. There is no commercial. It's not the proper site. That's the issue that we're making. Not the need, but the site location.

Let's go on one more point to try to stay on the facts and summarize. There was some discussion about funding, which funding shouldn't be relevant to the decision you make tonight. Is it important? Absolutely. But is it relevant for the zoning ordinance? It's not. Because if it were a lot of people would come up here and say, if you don't approve my conditional use or my rezoning I'm going to lose thousands of dollars. Well, you don't say, okay, based on that we're going to waive the zoning ordinance because of your funding issue.

Let me talk about the funding issue. Again, we desperately need this project in Owensboro and Daviess County. We've heard tonight that if we don't approve it that we're going to lose a $500,000 Federal Home Loan Bank of Cincinnati grant that's part of the financing vehicle that's being used.

So today, and I'm somewhat familiar with the Federal Home Loan Bank because I was invited to be on that board about three years ago.

In any event, I called Laura Sandman who is a
housing analysis with the Federal Home Loan Bank of Cincinnati. I personally talked to her today on the phone. She is familiar with this application. I asked her if in fact the Lighthouse Recovery project for Daviess County were to seek an alternative location would they lose their funding as has been represented tonight perhaps. She said, no. She said, not necessarily. You can request — — and I tried to write all of this down. I've got her phone number if somebody wants to call tomorrow and verify this. I'm under oath here so I'm trying to regurgitate this the best I remember it as she told me.

She told me, she said, you can request a modification to an approve location. A modification for an alternative site. They will consider that modification. She said that you have to secure some control of the alternative site. Either a purchase contract or an option. Like the people of the Lighthouse Recovery here I think have a purchase contract or maybe have an option. She said, you have to verify it. Mr. Townsend is right on track about, he says, they may be able to do this or they may not. She said, you have to verify that the new property meets the original or similar parameters of the initial application; in other words, hopefully it will
score as well as the site did that has already been approved. She said, in order to proceed with this, they would have to get a letter from Lighthouse Recovery of Daviess County indicating that they weren't going forward with the original site, but they were looking for an alternative site. Said it would be in their best interest to get an alternative site put together as quickly as possible to send that information up to them. She said it would take 30 to 60 days to process a modification request. It would take 30 to 60 days. So she did not say that they would lose the funding. We don't want them to lose the funding. I want this in Daviess County. We don't want to lose that money. We won't lose that money if in fact we act quickly.

So the question that comes me, well, everybody here that seems to be on this side might be painted as non-citizens. I hope nobody challenges that of me and I hope nobody challenges that of all these good neighbors, the stakeholders that live out here because they're good citizens too and they have some intense concerns about this, but they all agree unanimously that we need to have this facility in Owensboro and Daviess County. Just in the right location.

So they're going to say, well, what about
these citizens? They're all talking about problems. Not in my backyard and all that stuff.

I'm not up here tonight to be part of the problem. I want to be part of the solution. I want to see this facility built in Owensboro and Daviess County. I don't want to lose that money. You know, I don't think we will lose it.

I've been working with a real estate broker of some refute that's spent a lot of time over the last few days and we've come up with three or four sites. We have one site that I have in this folder that is immediately available that I think would be a win/win situation for everybody.

This site is on the west side of Owensboro. To be specifically it's west of Audubon Plaza Shopping Center. It's zoned A-U. Exactly like this proposed site is. It's in the county, which I think J.D. would testify needs to be in the county. The price on it is very, very close to the price that they're paying for the proposed project. It has 6.6 acres, which is almost the same size as the subject property. Bus service is available and it's not in a floodplain. So I think the development cost would be a lot less because there wouldn't have to be as much fill.

This site is available today. I mean we
verified this. It's available today. I've got
tables in here of if you all would -- I'll just
quickly pass this around.

The only point I want I want to make is that
what I'm saying there could be a win/win situation in
this deal. We could move the site to an area that is
more compatible and more harmonious to this facility.
Because that area that I'm talking about is not
totally residential. It's a mixed use like all those
other six that I've already testified to. It's
available and it could be purchased.

I would work tomorrow and spend whatever time
is necessary, I think a lot of these good neighbors
would, to make this happen because we don't want to
lose this project in Daviess County.

In summary, these people are looking to you
gentlemen and ladies on the Board of Adjustment to do
two things. The zoning ordinance protects their
welfare. The regulations protect their quiet
enjoyment of life. They're asking you to exercise
those and to protect their welfare and to protect
their quiet and enjoyment under the ordinance and not
allow an incompatible inharmonious use to come in and
ask them to put themselves at risk. Because they're
the ones that have the potential risk. The
stakeholders that are already there.

We do have an alternative. We've already testified that we will not lose the $500,000. That came right from a lady in the Federal Home Bank, and we have an alternative site that I think can be put together in a matter of days, resubmit the application.

I'll do everything in my power to work with Mr. Meyer and all the good people that are trying to make this project a reality. To do everything that I can to get that site approved. It would be a win/win. The community would get it. The neighborhood would not be disadvantaged. We can move forward and continue to provide the kind of treatment that the citizens of Owensboro and Daviess County deserve.

CHAIRMAN: Any boards members have any questions of him?

MS. MASON: The site that you're talking about, does it access to the Greenbelt also?

MR. THOMPSON: It's not next to the Greenbelt. It's got a county road. It has access to a bus route. It's a mixed use community. There's some commercial there. There's some industrial. There is a couple of residences there. But it's a mixed use development, which is the proper integration of a
facility like this.

That's where I testified about the other six locations in Kentucky. They're all in settings like this. None of them are in a setting like is being proposed for this project, which I think is strong testimony.

CHAIRMAN: Any board members have any other questions?

(NO RESPONSE)

CHAIRMAN: Do you all have a couple of questions at this time pertaining to this item?

MR. PIERCE: I do.

Again, my name is Richard Pierce.

Mr. Chairman, I have one item of clarification.

The site on Louden that he pointed out in Lexington is the site of the men's facility, which I believe is also a new construction site.

The site which I photographed and showed you is the women's facility which is on Versailles Road. I was not untruthful about being at the Hope Center.

MR. THOMPSON: I didn't mean to imply that, but the one on Louden is the one I'm speaking to.

MR. PIERCE: Secondly, I have a question.

Mr. Thompson spoke to the lady with the
Federal Home Loan Bank and she gave an assessment as to the likelihood of success for failure upon reallocation and what Mr. Thompson's experience has been with that type of state and/or federal financing, which is site specific.

CHAIRMAN: Mr. Thompson.

MR. THOMPSON: I'm not sure I understood the question.

MR. PIERCE: Did she give you any indication as to the likelihood of success or their acceptance of such a site or did she merely state that, yes, there is a process by which they can go through and will evaluate whether or not they can keep the funding?

MR. THOMPSON: She did not state to the likelihood of success or the likelihood of failure, but she did speak to the most salient point was, there was a vehicle to change the site and not lose the funding. There was a vehicle to do that. They would have to make the decision based upon the information they get on the new site and how it scores, but the probability would be I would say 50/50 that it would be approved or not approved. There is a vehicle so it's not lost if this project is not approved.

MR. PIERCE: I'd also like to ask Mr. Thompson if he was ever contacted early on in this process by
Mr. Meyer or anybody with Lighthouse for assistance in locating a site either in the city or county?

MR. THOMPSON: I wasn't attempted to be contacted to find another site. I was contacted by the phone. The message just said, called. I have talked to Mr. Meyer most recently, two days ago. I was not contacted as to find another site.

MR. PIERCE: No, I don't mean another site. I meant back when this process started. There were several people contact within the community for help in locating sites that fit the criteria. I was wondering if perhaps you were one of those contacted?

MR. THOMPSON: No, I was not.

MR. PIERCE: Thank you.

CHAIRMAN: Mr. Meyer, you have any questions right now?

MR. MEYER: I don't have any questions.

MR. PEDLEY: I have a question of Mr. Meyer. Mr. Meyer, I prepared some things before I came down tonight. A lot of it has been answered. One of the things is, do you feel you and your board has given full and proper consideration to the issues of the neighbors on Higdon Road, the Greenbelt walking trail, and the future development land north of Higdon Road and the floodplain issues? Have you
considered other sites where none of these issues exist? Have you considered the cost of developing this site dealing with bringing it out of the floodplain? Straight access Veach Road flooding versus a developed site, which are available? The other thing is if this is denied, what happens to the funding? Will you lose funding? If so, can you reapply for funding at another site?

MR. MEYER: Mr. Pedley, I apologize. As we've gone at this very long, I cannot remember the very first question nor the second.

If we could take those in succession, allow me to answer and address them, I'd love the opportunity to do so.

MR. PEDLEY: We'll go back then.

CHAIRMAN: One at a time, please.

MR. PEDLEY: Do you feel you have given full and proper consideration to the issues of the neighbors of Higdon Road?

MR. MEYER: I believe our board, we feel that we have given adequate consideration to all the concerns that have been expressed by the neighbors in that individual area as to the issue of safety and property values.

The ones that I knew going in the answers to,
and if it were behind my house I would not have any
problems with it.

MR. PEDLEY: Did you give consideration of the
Greenbelt walking trail and the future development of
the land north of Higdon Road?

MR. MEYER: We did give consideration to the
development of that land north of Higdon Road. We
also considered the development to the land south of
Veach Road on Salem Drive and in that area, which is I
would point out proposed to be a commercial
development. So we're looking north standing on the
bypass and we're ignoring everything behind it when we
look to say or determine that this is solely
residential purpose. It is not.

I believe there's a piece of property that is
not directly across from the facility that access is
Kipling Drive off of J.R. Miller Boulevard. That is
attached in your packet. I believe the name of the
road is Wiekel Drive. There is a conceptual plan
there. The conceptual plan shows commercial use.

We have given adequate consideration. We do
not believe based upon use of the Hope Center and the
Healing Place, and specifically the Hope Center's
women's facility, that this facility represents an
improper integration in our community.
MR. PEDLEY: Did you consider the floodplain issues? The Higdon Road elevation is 390. Base flood in that area is 394. That means you've got to raise that site four feet. Then your building has to be one foot above that. Did you consider all the cost related to that type of development and the fact that Higdon Road floods and the fact that Veach Road floods? There are times when you cannot get to that facility. The flood of '97, if I'm correct, Veach Road was flooded. You could not get to that facility if you had built there.

MR. MEYER: I don't recall it. I was not living in Owensboro at that time. I know the flood in '97 was a rare flood.

We did give consideration to the fact that this property is in a floodplain. In working with Mr. Pierce and his company and in working with Mr. Bryant, we have determined, as every other property out there, we are able and can move it out of the floodplain. There are adequate funds in the proposed budget to allow us to cover the cost of such building of the land.

MR. PEDLEY: Did you consider other sites when you were selecting sites? Did you consider other sites when none of these issues exist?
MR. MEYER: We did consider several sites. We contacted numerous individuals in the community. Mr. Thompson may not recall. I do recall meeting with him when the governor announced this project and asked him if he had any ideas.

We had talked, I had a map from the PVA office that was printed out that showed me all of the land within Daviess County, close in the city of Owensboro that was marketed or that was deemed county property that would be eligible for the program. We had looked at all those sites.

The Hedden family, who is here tonight and have been sitting with us, Mrs. Hedden is a member of our board, came forward and got involved. They came forward and wanted to help with this project and offered their support and offered to convey their land.

That property has been under contract, I would point out, under a purchase agreement since April of 2005. All we're waiting on is the final approval from this board.

MR. PEDLEY: Final question. If this is denied, what happens to your funding? You stated earlier you would lose $500,000. Can you select another site and reapply for this funding?
MR. MEYER: If the application is denied, we lose control. Life is a lot about control. I can you tell you my destiny now if this site is approved. We will be breaking ground as soon as possible. We have everybody lined up to go forward.

If this is not approved, I don't know what will happen. I lose control. Maybe my site will be approved, but maybe it won't. Maybe I'll lose that money. Maybe I won't. We lose control. We lose the guarantees that we have worked for for the last 18 months.

As Mr. Townsend said, if we have to reapply, we're not allowed to move our site within our existing approval with Federal Home Loan Bank. The scoring criteria is different. Some of those preferential scoring treatments that were for these types of facilities no longer are there.

In our opinion, if we're not approved tonight and it's delayed 30, 60, 90 days, we're delayed in construction and completion, then it's quite possible the whole project could be forgotten.

MR. PEDLEY: I'm not opposed to this project. I support this program 100 percent. I assure you that every board member here we're compassionate caring people. We want this project done, but we must
address issues of the neighbors and that site. We must do it.

I'm asking these questions because I want it in this record. If this goes to the courts and maybe the appeals court, I want everything in the record. I want the questions asked and I want the questions answered.

MR. MEYER: This is a controversial issue. This is a community issue. They should be and they deserve to be answered.

MR. PEDLEY: The other thing is this issue, this decision should be done by the Kentucky statute, regulation of the Kentucky statute and the zoning ordinance. This burden should not be put on these seven people or these six people here tonight. This should be by Kentucky statute regulations and the zoning ordinance. This is a tough situation to sit here and try to analyze and come to a decision. So with that I'm through.

MR. MEYER: Thank you.

CHAIRMAN: Other questions? You got anything new to add?

MS. JAMES: Mr. Chairman, I would just like to put some documents into the record, please, for further use.
CHAIRMAN: While she's bringing these forward, we're going to take a ten minute break.

- - - - (OFF THE RECORD) - - - -

CHAIRMAN: Let each side, unless you all have got somethings you want to tell us otherwise, take five minutes on each side and then we'll make some decision one way or the other; good, bad or something else.

Which one of you wants to go first?

MR. MEYER: Again, I want to thank you. We've been here for what seems to be an eternity.

Mr. Pedley, I agree that you guys are in a difficult situation, but somebody put each and every one of you on that board for a reason. You each bring with you your own experiences and your own knowledge of the world that we live in. You're there to make decisions that affect our community and our society on a daily basis.

We respectfully request that you all approve this Conditional Use Permit. I believe that the evidence presented tonight shows that this facility will not cause or represent a safety issue for the neighbors. We've talked about that through and through.

We also believe that property values will not
be adversely affected. As my granddad used to say, the proof is in the pudding. Well, the proof is in our packet that we submitted to you all that you have addressed and looked at this evening.

We know that this is a lot of information. We know that you all understand the project and the potential out there for good.

I want to address briefly the potential for our proposed site.

We've been at this, we've adequately considered all the properties in Daviess County. The Hedden family has been kind and faithful through and through with us, the ups and downs on this project.

I don't believe it's fair at the eleventh hour to come in with some alternative site. There's a newspaper article I have. My wife makes fun of me today for it. It read, "Meyer wants land." It was written in March 16th of 2005. It was our call to the community for somebody to come forward and say, here, here is some land. We combed this county through and through. Had several sites that Mr. Townsend and other representatives of Kentucky Housing Corporation came and looked at. We identified this site.

We believe that if you look at the integration issue, you will see that this facility will be
properly integrated into our society, into that community and in to that area. This is not solely a residential area. There's a lot to be said to what it will become because there's a lot of undeveloped land. We know if look to the south on the other side of the bypass and that's predominately commercial. We looked to the west. That's proposed commercial. It's uncertain as to the property in the middle what it will become.

The telling evidence is those shots of the Hope Center, women's facility, and how it borders the neighbors. It's appropriate to bring these people back in the community. We heard a lot tonight from how they are productive citizens again.

Share with you just briefly a couple of the statistics. For every dollar spent on recovery, there's a $4.16 corresponding result in reduced crime-related cost. For every $1.00 spent, if you add in the cost of crime plus the recovery through employment taxes of these individuals, you have a $5.34 return. You put the math of this facility, the construction alone would avoid roughly $18 million in crime-related cost. It would lead to a total, including the employment increase, of about 23 million.
From the operation standpoint, you're looking at crime cost avoid of $2.6 million. Cost figures on the employment tax issue is roughly $3.3 million.

Now, I don't believe in giving those statistics we've strayed from what you all have to consider tonight because the definition of a conditional use in the Kentucky Revised Statute is a use which is essential to or which promote the public health, safety or welfare in one or more zones.

I don't know what is more telling evidence than it would approve all of the zones in Owensboro. Most important, the lives that this facility will affect. I believe you have to consider that along with the health and welfare and safety of the property owners.

We believe that this is an opportunity. This is an opportunity to affect lives, to approve our community, impact our economy. Most of all this is an opportunity to be a leader in the state. There are ten programs. We're in the running to be one of those ten. We're the third largest city in this state.

This is our opportunity to shine.

As I said, the project, everyone knows it's needed. We respectfully request that you all approve the Conditional Use Permit.
Thank you all for your time and attention.

CHAIRMAN: Mr. Thompson, you've got ten minutes being he used ten minutes.

MR. THOMPSON: I want to thank you all for your time and attention and the service that you provide to this community. This isn't an easy issue, an easy decision. There has been great points made on both sides. There's been a lot of emotions expressed tonight.

I just want to reiterate again that the salient point here tonight is not whether this project is needed. This project is needed. That is very well demonstrated and qualified. The issue is not the funding, whether the funding is going to be lost or jeopardized. That's not the issue. The issue is what the ordinance says. The ordinance says that we are to look at the proper integration into the neighborhood. The ordinance talks about addressing adverse values. Will the project, what proposed use adversely affect the investment that the neighbors already have in their neighborhood.

Just simply looking at those salient points again. Putting aside the need issue and putting aside the number of crimes that are drug-related, because those are all good points, but they're not relevant to
the decision that you need to make tonight.

If you simply look at the integration issue.

Only if you took in to look at the other six sites, in terms of where they have been located in their respected community. None of them have been located in an environment that is like or compatible to the environment that this proposal is being asked to be placed in. All of them without exemption, and it can be documented and we did document it, are in mixed use development. We're not talking about mixed uses being a couple of blocks away or three or four blocks away. We're talking about right across the street or right adjacent to it. In every one of those site, we've presented it. Not one of these is being put into a zone, a strict zone that only allows low density single-family detached housing, like this project is being proposed to put into that kind of zone. For that reason we submit under the zoning ordinance that this proposal is not compatible and cannot be properly integrated because it is not in character with the principal use of the property in this neighborhood.

Then the other issue that we talked about that I think is very, very relevant, besides the proper integration, is the adverse influence on property value. We've heard testimony from an appraiser, a
licensed 40 year experienced appraiser that perception is reality. That his professional opinion that the location of a facility like this will have an adverse influence on property value. 

Now, just ask yourself about it though. Look at it this way: There's two things at issue. There's a proposed project that, yes, has a lot of time invested. A lot of good people put tremendous man hours into it and they've done a lot of work in putting the application together, but they have not risk any dollars. They've got human capital at risk, but they have not risked any tangible hard dollars. 

These people, many of which are right there tonight, these neighbors, they have a hard investment in that property today. They are the stakeholders. They're already there. They don't have a chance to go anywhere else. 

This proposed project, as I testified a few minutes ago, can go somewhere else and can still be viable and can still get funding and can still work to meet the needs of this community from a social standpoint. 

These people can't go anywhere else after this project. What if only one property is affected by 25 or 30 percent, or what if just two of them. That is a
big risk to ask these individuals here tonight to bear
because they don't have any option. They can't pick
up.

Now, people that might think about moving into
this neighborhood after the project is built, if it
is, they have an option. They can either say, well, I
don't think it's much of a risk. I'm going to go in
there or I'm not going to go in there, but they have
that option. These people here tonight that are the
stakeholders out there, that are the neighbors that
live there in that environment that are looking to you
all to protect them with the zoning ordinance tonight,
to ensure that the use is compatible with their use,
to make sure it harmonious, to make sure that it's
consistent with their principal use, and to protect
their health, safety and welfare, and to protect their
enjoyment. That's what they're asking of the zoning
ordinance. That's the purpose of the zoning ordinance
and a conditional use. They are the stakeholders.

Again, nobody here is discriminating against a
particular class. Nobody is discriminating against
drug addiction. We would be, as we testified a month
ago, we would be in opposition to any type of
institutional use that's right next-door to where all
of these houses are.
Vittitow Subdivision runs down Higdon Road.

There are 21 houses on there that constitute, comprise 12.8 acres. The density there is 1.6 units per acre.

Whether you define 100 units and 38 residents as one unit I think is debatable, but it's certainly a much, much more dense development right next-door to property that has primarily half acre lots.

Again, look at the other five, six sites and ask yourself that question. Are they located next to primary properties that have half acre lots?

So the records needs to show, again, in the findings of fact that we're not discriminating against a particular class. The issue tonight happens to be a substance abuse facility. So you have to specifically speak to it. If we were any other type of institutional facility, we would be objecting to that because it's not compatible.

If it was a nursing home, if it was a multi-family housing project, if it was an Alzheimer's clinic, those aren't compatible. They're not compatible with the principal use in an A-U zone.

One other thing about the funding. Mr. Meyer is an excellent citizen. Has done a tremendous job on this project and I really applaud him for where his heart is, but he talked about control. That if they
switch sites that they will lose control. Shouldn't
we be trying to find a win/win for everybody that's
involved? We've got their great interest and we've
got the important and significantly equal interest of
these people in this neighborhood.

I proposed something, and we looked for a week
or two and found a couple of properties that we think
will work, but one specifically I think is better than
the site that they are proposing. I think personally,
and I don't have the experience that they do, but I
have some experience in dealing with the Federal Home
Loan Bank. That it will score better than the project
that they have and it would be a win/win for
everybody.

I even suggested to Mr. Meyer that we table
for 30 days and go out and put the property together,
submit to the Federal Home Loan Bank. I'm even
willing to go up there with him to make an application
to them to see if we couldn't expedite in them making
a decision on this alternative site because they want
that project to be here too. There's no certainty
that they would lose the funding, and I've been told
that. That there's no certainly. There's no guarantee
that they would. There's no guarantee that they
wouldn't, but the important thing is there's an
opportunity to look at an alternative site. By doing
that everybody in this room would benefit. Everybody
would win. Nobody would leave feeling disadvantaged.
Everybody would feel like that you all protected their
interested as varied as they are.

So from the control standpoint, I don't think
that is really relevant because what about the control
that the neighbors lose if the project goes ahead and
they are put at risk? What if there's just one safety
issue? Hopefully there's none, but what if there's
just one? What if there's one property value that
gets significantly adversely influenced?

I think that's a big risk to ask people to
take. An alternative site we would have to ask that
because that wouldn't be an issue.

In conclusion, I think the zoning ordinance in
Owensboro and Daviess County does provide an
appropriate alternatives for a project like this. I
think they exist today. I just presented an example
of some of those.

I think that we can immediately reposition,
find a site that's compatible with this type of
institutional project, submit it, get it funded, have
this project go forward.

I don't think asking for 30 days is too much
given what's at risk here. They spent a lot of time
working on this already. I've got projects delayed
all the time to look to see if there's a better answer
or to make sure we have all the facts. I don't think
that that's unreasonable.

I just end by saying that I applaud you for
your dedication and your concern about this issue, but
you remember what's at stake here.

Try, if you can, remove yourself from the
emotions of the issue and deal with the facts about
the proper integration of this project versus where
the other six that have been announced have been put
in Kentucky, and about the testimony on the adverse
influence and also about the fact of there is an
alternative site that's available and would work.

I appreciate your time. This has been a long
night. I respectfully on behalf of all the
stakeholders, again I use that word because that's
exactly what they are. They have their investment
riding on this decision. On behalf of them, I ask
your humble approval of what I've said, but the denial
of this Conditional Use Permit or at least tabling it
for 30 days to where we can try to work in an
alternative site. Thank you.

CHAIRMAN: Any board member have any other
questions or comments?

MR. PEDLEY: Bring Mr. Meyer back up.

CHAIRMAN: Mr. Meyer.

MR. PEDLEY: What are your thoughts and consideration about postponing for 30 days to look for an alternate site or try to work this out so everyone, as Mr. Thompson said, is in a win/win situation?

MR. MEYER: That's a difficult question for me to answer. In consulting with the representative from Housing Corporation, I don't think that's appropriate at this time or one we can make. Thank you.

CHAIRMAN: The chairman probably shouldn't get involved here and say something, but I'm going to anyway.

You all have give this much stuff to look at tonight. If we've got to go through this, read it, understand it, we're going to have to have 30 days or some time before we can make a decision. If you want us to look at it and consider all the information, both sides of you have presented. That's all I've got to say. We need time to look at this first.

MR. MEYER: I believe if that's a decision which your board needs more time, that's one to rest with your board.

CHAIRMAN: Thank you.
MR. MEYER: Thank you.

CHAIRMAN: Have you got anything new to add?

MS. STIFF: I do. I have just one thing I'd like to say.

MR. ELLIOTT: State your name.

MS. STIFF: I'm Debbie Stiff.

(MS. DEBBIE STIFF SWORN BY ATTORNEY.)

MS. STIFF: We have some booklets. If you're going to consider things further, we have some things of interest that we thought that you might like to look at.

One other note of interest that I don't think was specifically addressed. We found out in our search that the excavation and the field permit needed to dig the retention basin is one in the same permit to also haul in more dirt. If this facility gets built up four feet, with the retention basins and the hauling in of dirt, consider what that will do to the residents on Higdon Road.

CHAIRMAN: This is all discussion, unless the board members have some other question to ask at this time.

(NO RESPONSE)

MS. MASON: I'm in agreement with what you're saying about all this information. If it's going to
go into the record, we don't have any time to read it
before we have to make a decision tonight, if it has
to go into the record.

MS. DIXON: Mr. Chairman, I'm incline to
disagree with that. I think most of what appears in
here we have seen or heard in some shape, form or
fashion, either from last month I've been reading
minutes up until right before I came or as presented
here tonight, power-point presentations and so forth.
So I'm ready to make a motion and we can act
accordingly.

I move that a Conditional Use Permit to
construct and operate a substance abuse recovery
facility at 4301 Veach Road to serve a maximum of 100 residents be granted.

My motion is based upon the following findings
of fact:

The facility would serve the health, safety
and welfare of the public because based upon evidence
and testimony, both written and oral, our community
has a need for such services for people suffering from
substance abuse. The governor has designated funds
for such a facility to address an increasing problem
for our commonwealth.

Testimony has indicated evidence of the court
system being overloaded with individuals with
substance abuse problems. Very few families have not
been touched by substance abuse in some form. Based
upon testimony the Recovery Center will be modeled
upon other recovery centers which have exhibited
excellent records of success.

Testimony has been presented that proper
screening and supervision will be provided. The
center can be integrated into the neighborhood which
borders upon commercial uses not very far which would
provide excellent employment opportunities for
recovering residents. The location is near public
transportation. The proposed placement of the center
is also near the Social Security office which provides
a service for residents.

Testimony by the Owensboro Metropolitan
Planning Staff has indicated that density is not a
significant issue concerning the placement of the
center at this location.

As exhibited by testimony the individuals who
will be residents of the center will be there out of
the desire to recover from their addictions and return
to their families and become productive members of our
community.

Other permits have been granted for similar
facilities, one in particular the Boulware Center, in or near residential neighborhoods.

I live near a homeless shelter and have for years.

I also move the following conditions be attached to the permit:

1. A minor subdivision plat be submitted to increase the half right-of-way from 25 to 30 feet.

2. Landscaping along the vehicular use area adjacent to residential properties be extended approximately 100 feet to the west into the existing utility easement. Evergreens be planted that mature with a low spread around the base of the tree.

That's my motion.

MR. DYSINGER: Mr. Chairman, due to a preponderance of evidence, I second that motion.

CHAIRMAN: Before I ask for a vote, we've got one other item we've got to have here tonight so which ever way it goes, please give us the respect to answer the last item on the program.

With that is there any other comments from the board?

(NO RESPONSE)

CHAIRMAN: Staff have anything else?

MR. NOFFSINGER: No, sir.
CHAIRMAN: With that all in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

Next item, please.

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ADMINISTRATIVE APPEAL

ITEM 7

322 East 7th Street, zoned R-4DT
Consider request for an Administrative Appeal to change a non-conforming parking lot for an existing apartment building to a redesigned non-conforming parking lot for an existing apartment building with defined access points and landscaping
Reference: Zoning Ordinance, Article 4, Section 4.53, Article 7, Section 7.34
Applicant: Community Development Department, City of Owensboro, RNA Rental East, LLC

MR. NOFFSINGER: Mr. Chairman, this application comes before this board. It actually improves a non-conforming situation located at 7th and Crittenden Street. They are proposing to take a site that has an apartment complex on it. It has pretty much open pavement and parking out to Crittenden Street and redesign that in such a way where they will have controlled access off of Crittenden Street and landscaping and a functional parking lot.

The Planning Staff, we have no issues with what they're proposing to do. Certainly we think it
makes for a better situation; however, there will be landscaping proposed to be located in a public right-of-way. This board does not have the authority to grant landscaping to be located in a public right-of-way nor would we recommend that you do so. That must be approved by the City of Owensboro through their engineering department. It is under my understanding via this letter that I have from the City Engineer that he is okay with the proposal. However, we do recommend that you recommend the change from one non-conforming use of the premise to another and the site specifically as it is right now to improve the situation, but you are not in any form approving the location of landscaping within the public right-of-way.

CHAIRMAN: Is the applicant here have any comments?

MR. ELLIOTT: State your name, please.

MR. VOLK: Michael Volk, City of Owensboro.

(MR. MICHAEL VOLK SWORN BY ATTORNEY.)

MR. VOLK: This apartment complex, as Mr. Noffsinger stated, is kind of in bad shape. With it being next to the new city park we're constructing, the Wendell Foster Center also asked us if we could provide a clear way from their facilities to the park
for their wheelchair patients. This was a major
obstacle here. We will be more than glad to get
something from RNA Rentals that says they will take
care of the landscaping issue.

MR. NOFFSINGER: Excuse me. Landscaping is
not an issue. It’s just this board cannot approve the
landscaping in the public right-of-way nor do we
recommend that they do so. That's up to the City of
Owensboro. We don't want to get into a situation
where we're requiring it or it makes it look like
we're requiring it in the city right-of-way. You can
certainly do the project without the landscape
materials. That's all we're saying. If the
landscaping does go in, the City of Owensboro would
have to approve it.

MR. VOLK: Would it help you for future use if
you had something from the owner stating he would take
care of the landscaping?

MR. NOFFSINGER: What do you mean by "take
care of it"?

MR. VOLK: Well, we had thought about getting
him to sign some sort of document that says he
understands that that is his landscaping to maintain.

MR. NOFFSINGER: I think that would be a great
idea. It would help all of us, especially the city.
Because we're in a situation now where we're having to remove some of the landscape materials that was put in the city right-of-way as a result of a variance that the board of adjustment granted many, many years ago or a landscape adjustment board. We're having to remove some of that because it's a real sight visibility problem in the right-of-way. I'm not saying that this will, but you might want to protect the city and motoring public by some type of maintenance agreement or reserve the right to remove it in the future should it become a problem.

MR. VOLK: We submit that to you, just forward it to you?

MR. NOFFSINGER: That would be fine. We'll just put it in the record so we have a paper trail on it. It would be good.

MR. DYSINGER: Is that going to require a condition?

MR. NOFFSINGER: No, sir.

CHAIRMAN: Need a motion to grant the appeal.

MR. DYSINGER: Move that we find for the appellant.

CHAIRMAN: Is there a second?

MR. WARREN: Second.

CHAIRMAN: All in favor raise your right hand.
(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.
Move for one final motion.

MS. DIXON: Move to adjourn.

MS. MASON: Second.

CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: We are adjourned.

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STATE OF KENTUCKY,
)SS: REPORTER'S CERTIFICATE
COUNTY OF DAVIESS )

I, LYNNETTE KOLLER FUCHS, Notary Public in and for the State of Kentucky at Large, do hereby certify that the foregoing Owensboro Metropolitan Board of Adjustment meeting was held at the time and place as stated in the caption to the foregoing proceedings; that each person commenting on issues under discussion were duly sworn before testifying; that the Board members present were as stated in the caption; that said proceedings were taken by me in stenotype and electronically recorded and was thereafter, by me, accurately and correctly transcribed into the foregoing 188 typewritten pages; and that no signature was requested to the foregoing transcript.

WITNESS my hand and notary seal on this the 30th day of September, 2006.

LYNNETTE KOLLER FUCHS
OHIO VALLEY REPORTING SERVICES
202 WEST THIRD STREET, SUITE 12
OWENSBORO, KENTUCKY 42303

COMMISSION EXPIRES: DECEMBER 19, 2006
COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY